



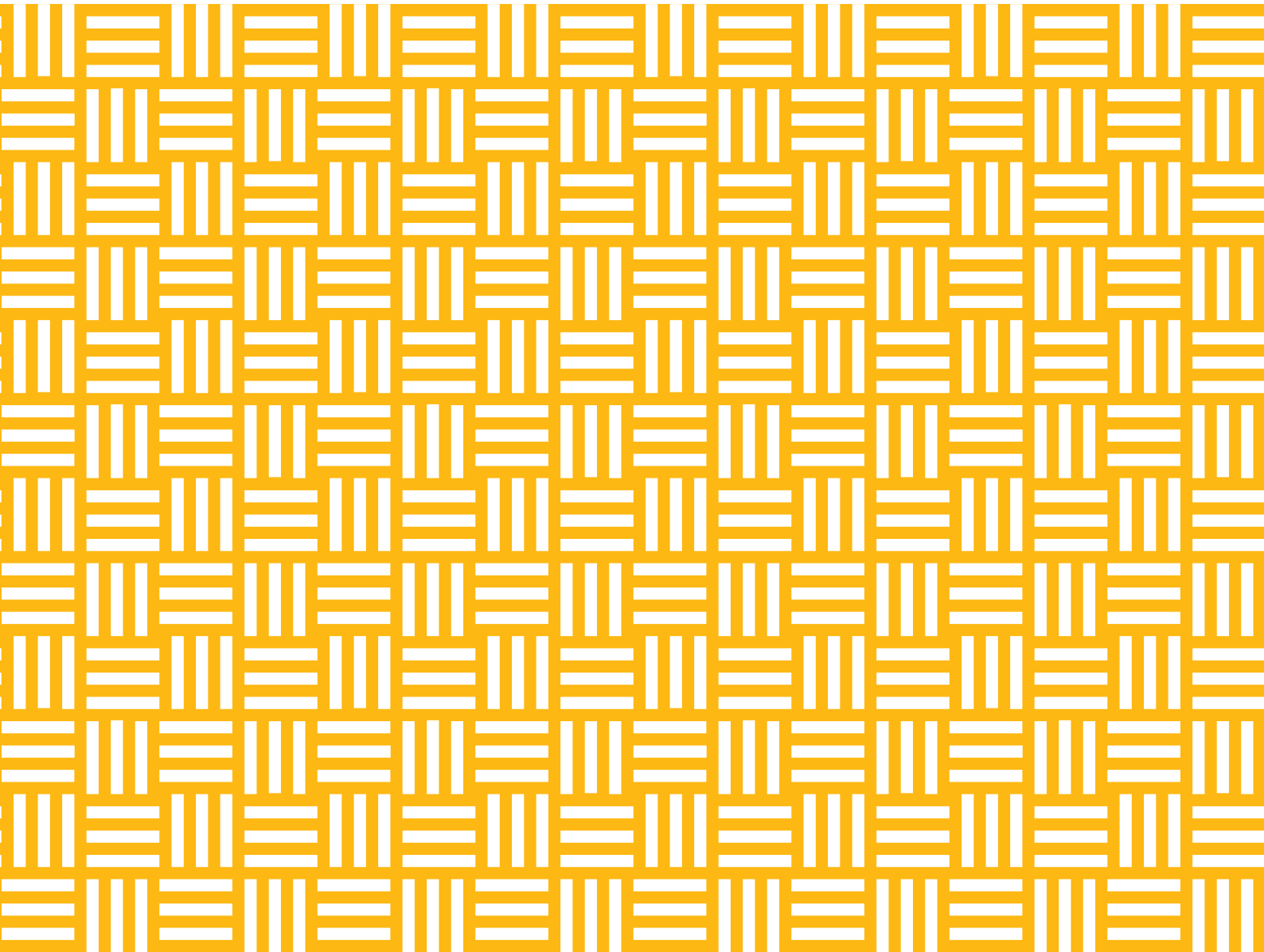
Western Balkans
Regional Platform for
Advocating Media Freedom and
Journalists' Safety



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Indicators on the level of media freedom and journalists' safety in the Western Balkans

COMPARATIVE ANALYSIS



**Indicators on the level
of media freedom and
journalists' safety in the
Western Balkans
[COMPARATIVE ANALYSIS]**

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Introduction

Over the last decade, media freedoms in the Western Balkan countries have deteriorated. Political and business elites exercise various forms of direct and indirect pressures against critical media and journalists. Therefore, freedom of expression became one of the top priorities in the enlargement strategy of the European Commission which developed a long term (2014—2020) assistance approach to support the achievement of political goals in the fields of freedom of expression and media¹ integrity. Three overarching areas are addressed by the EC strategic approach in this field: (1) the enabling environment for free expression and media; (2) strengthening journalists' and media professionals' organisations as the key drivers of the needed change; (3) helping media outlets improve their internal governance, thus making them more resilient against external pressures and restoring audience's confidence in them.

Journalists' associations (JAs) from the Western Balkan countries (Bosnia and Herzegovina, Macedonia, Montenegro, Kosovo and Serbia), with the support of the European Commission², have been developing a cross-country mechanism for monitoring and

¹ *DG Enlargement Guidelines for EU support to media freedom and media integrity in enlargement countries, 2014-2020, Available at: http://ec.europa.eu/enlargement/pdf/press_corner/elarg-guidelines-for-media-freedom-and-integrity_210214.pdf*

² *This project is funded by the European Commission, under the Civil Society Facility and Media Programme 2014-2015, Support to regional thematic networks of Civil Society Organisations.*

advocating media freedoms and journalists' safety at local, national and regional levels. For that purpose, a set of comparable data are collected by researchers nominated by each national JA, on the basis of a common research methodology. The collected data have been analysed and interpreted in five research reports at national level which will serve the national JAs as baseline assessments on media freedoms and journalists safety in their countries.

The three groups of indicators on the level of media freedom and journalists' safety were proposed on the basis of a thorough analysis of a range of methodologies and guidelines developed by renowned international and European organisations³. However, while proposing the key indicators for the Western Balkan countries, the specific socio-political context in these countries and the specific perspective of the local JAs were taken into consideration.

This comparative analysis incorporates the most relevant findings presented in the national research reports and identifies the key common problems and issues that need coordinated positions and advocacy actions by the national JAs.⁴

A. Legal Protection of Media and Journalists' Freedoms

A.1 Does national legislation provide guarantees for media freedom and is it efficiently implemented in practice?

The right to freedom of expression and information, including access to the Internet, is guaranteed by the respective Constitutions and media legislation of the five countries. However, there is a general concern that the implementation of the legal guar-

antees is poor and that in the last several years declining tendencies jeopardize the democratic function of media and journalism in the region.

In the past several years, there were frequent changes in media legislation in some of the Balkan countries which were not executed in a transparent and inclusive manner. The professional journalists and media organisations were not sufficiently involved in drafting the laws and their critical comments and proposals were rarely taken into consideration.

Although Internet freedom is guaranteed with the general legislation, there were attempts by state authorities in the region to adopt targeted legislation or to seek blocking, filtering or takedown of Internet content.

The regulatory bodies in the five countries are generally perceived either as controlled by political parties in power, or as weak and still not sufficiently efficient in enforcing legislation and protecting freedom of expression and media independence. The appointment of their board members is widely considered to be politicised.

State advertising in the media has been abused by some governments for maintaining continuous political influence over the media. The most common problem in all countries is the lack of transparent criteria for allocation of funds from the state budget.

There are several models of subsidies aimed for encouraging pluralism of content in the media. While the original intention of the legislators seemed to be encouraging content diversity, in practice the allocation of these funds has been frequently selective, biased and abused by the authorities to influence the editorial policy.

The autonomy and independence of the PSBs is guaranteed in the legislation, but in practice it is not efficiently implemented. The funding frameworks still do not provide for independent and stable functioning of the public service broadcasters in the region. The supervisory bodies do not represent the society at large and do not protect sufficiently the public interest.

³ Council of Europe: *Indicators for Media in a Democracy*; UNESCO: *Media Development Indicators (MDI) and Journalists' Safety Indicators: National level*; USAID – IREX: *Media Sustainability Index*; Freedom House: *Freedom of the Press Survey*; BBC World Service Trust: *African Media Development Initiative*; Committee to protect Journalists: *Violence against journalists*; Reporters without Borders: *World Press Freedom Index*.

⁴ The analysis is based entirely on the data provided in the national reports written by the researchers nominated by the NJAs of the respective countries. However, the comparative interpretations of the data and the comparative recommendations based on that comparison is an original work of the authors.

A.2 Do Defamation Laws cause a ‘chilling effect’ among journalists?

In all five countries, the legal framework on defamation is aligned with CoE and OSCE standards. Defamation is decriminalized everywhere but there is a general assessment that the chilling effect of the new laws is substantial due to large penalties.

The number of lawsuits initiated against journalists by state officials was quite high in the past three years. There are cases when justice is administered in a way that is politically motivated against select journalists. The courts still fail to sufficiently recognize the self-regulatory bodies.

Significant percentage of the journalists who participated in the regional survey feel discouraged to investigate and to write critically due to the chilling effect of defamation laws. It seems that the threat of defamation lawsuit has the most powerful chilling effect on the journalists from BiH (79.73%), then Kosovo (44%) and Montenegro (44%), while in Macedonia (32%) and Serbia (27.6%) the percentages are slightly lower. However, it has to be noted that in these countries the journalists who did respond to this question is quite high (in Macedonia 25%, in Serbia 18%).

A.3 Is there sufficient legal protection of political pluralism in the media before and during election campaigns?

Protection of political pluralism in the media in the non-election period is incorporated in the national media laws as a general principle. Regulators are explicitly authorized to monitor and protect pluralism only during election campaigns.

In most of the countries opposition political parties and candidates do not have fair and equal access to the media both in the non-election period and during election campaigns.

A.4 Is freedom of journalists’ work and association guaranteed and implemented in practice?

The journalists in the region do not need licenses issued by the state. The national JAs issue accreditations and determine the basic professional principles in their codes of conduct. Certain initiatives for introducing licenses appeared in Macedonia and Montenegro, but were refused. However, journalists are frequently prevented by authorities from reporting on certain events on the grounds of not having accreditation.

There are journalists’ associations in all five countries, but many journalists are not their members. Pressures are especially exerted over strong and critical associations and their leaders.

Journalists are not motivated to organise in trade unions, because they have a fear of being fired from their job. The pressures over the trade union leaders are very serious and they are directed predominantly by media owners and governments.

Self-regulatory bodies in some of the countries are the newest forms of independent organisations which gather publishers, media owners and journalists associations. So far, they have achieved significant and positive results, but they are still vulnerable and subject to political and other types of pressures.

A.5 What is the level of legal protection of journalists’ sources?

The confidentiality of journalists’ sources is guaranteed by the legislation. However, in some countries there were several attempts by the authorities to disclose journalists’ sources without a court order or without justification.

Examples of such cases: news portal Indeksonline in Kosovo; news portal Teleprompter in Serbia; news portal Klix in BiH; the cases of the journalist Koprivica and the daily newspaper Dan in Montenegro; the case of the journalist Kezarovski in Macedonia.

In 2013 journalist Tomislav Kezarovski from Macedonia received a four and a half year sentence, for allegedly revealing the identity of a protected witness in 2008.

A.6 What is the level of protection for the right of access to information?

Access to official documents and information is legally guaranteed in all countries, but their provisions are not very helpful for journalists. There are no specific provisions which oblige the public institutions to provide information to journalists within shorter deadlines.

The survey conducted with journalists from all countries showed that a significant number of them do submit requests to the public institutions, but their requests are very often refused. In addition, some institutions usually wait to provide the required information until the last day of the determined deadline.

Most of the journalists think that state institutions in their countries are not sufficiently transparent. The least transparent institution is the government, followed by political parties and politicians in general. Parliaments seem to be the most transparent and open to journalists.

B. Journalists' position in the newsroom, professional ethics and level of censorship

B.1 Are journalists' freedoms restricted by their financial position?

There is an absence of accurate statistical data concerning the number and the exercise of labour rights by journalist in the regions. Research conducted by independent organisations indicates that poor social and financial status of journalists is a common feature.

Without exception, the poor status of journalists brings into motion a chain of dependencies upon other power actors. This in turn restricts journalists' freedom of expression and hinders pursuit of topics of public importance. The chain of clientelistic dependencies is not a particular feature of the media sectors in these states – it is a result of the wider relations of the political system and the political culture.

The precarious nature of journalism as a profession is present in all cases. Many journalists in the private media work overtime and during holidays without compensation. Often they are engaged in marketing activities.

The employers can terminate journalists' contracts any time. Customarily journalists have no protection.

Most journalists in the project's survey stated that their economic and social position has deteriorated in the past few years.

B.2. What is the level of editorial independence from media owners and managing bodies in private media organisations?

Even though most private media organisation have complied with respective country's legal requirements concerning occupational specification and systematisation, the adoption of internal acts that would regulate the demarcation of the position of media owners from the managerial staff, as well as from the news production staff, are lacking.

It is prevalent that newsrooms in the region have not adopted their own specific codes of ethics, but are reliant on the minimal and general codes provided by journalists' self-regulatory organisations.

The owners, program directors and editors in chief are the key actors in deciding whether to publish certain information. Most frequent direct forms of pressure on journalists are low salaries, threats of being made redundant, mobbing, overtime, etc.

B.3. What is the level of journalistic editorial independence in the PSB?

There is a low level of editorial independence in the PSBs in the region, despite the fact that internal and external pressures have been applied on political establishments to construct independent public service media.

Most PSBs in the region have adopted their own Codes of Ethics and have clear statutory provisions on independence. In reality this does not translate into actual independence. Government officials regularly influence the PSBs' editorial policies through management, but there are also direct pressures from the public officials in high office.

In some cases high level officials in the government threatened PSB journalists' job security if they did not report along the 'desired' lines."

B.4 What is the level of journalistic editorial independence in the non-profit sector?

Fully fledged not-for-profit media are relatively new phenomenon in the region. The Internet not-for-profit sector is thriving and proliferating, even though in terms of organisation it is underdeveloped.

Most of the not-for-profit media are in fact small projects implemented by existing local NGOs and the working conditions are far better than in traditional media. However, there are not-for-profit media that exist in a grey zone with respect to workers' rights.

There are different forms of pressure over the journalists working in news portals who are critical of the Government. They are often attacked by pro-governmental media as "foreign mercenaries" because they are financed by donations.

B.5 How much freedom do journalists have in the news production process?

Censorship and self-censorship are widespread amongst journalists in the region. Journalists' response to the extent to which censorship directly influences their daily work do not confirm this conclusion for each individual country. When combining these data with the responses to other questions in the survey and with the information gathered from qualitative interviews, it can be concluded that censorship is not always directly exerted on journalists, but rather through a complex and invisible net of interconnections of many different factors. It seems rather that self-censorship (and not open censorship) is the major problem for journalism in the region and it can be exerted through many different types of long-term pressures.

Asked about their opinion on the level of freedom they have in their daily working practices (Table 5), journalists from all countries report relatively greater individual freedom, comparing to what they claim in general. For

example, in each country more than a half of the journalists interviewed state that they have complete or great deal of freedom while selecting stories on which they work or in deciding which aspects of the stories should be emphasized.

On the other hand, when asked about the level of influence of different individuals on their daily work (Table 6), it seems that the individuals who are closer to the journalists have much more influence on their reporting than those with whom they do not have regular contact. Thus, it appears that the greatest (and probably most direct) influence on the journalists' work have editors, than managers and owners of news organizations, while the government officials, politicians and business people have less (or probably indirect) influence on journalists' reporting.

C. Journalists' safety

C.1 Safety and Impunity Statistics

Respective states' institutions are not interested in gathering and analysing data concerning verbal or physical assaults on journalists, editors or other media organisations' staff. The independent journalists associations in the respective countries are often the only entities that are gathering the data.

However associations neither have the knowledge nor the technical tools to engage in consistent and comprehensive data gathering. Consequently the data concerning safety and threats to journalists do not allow for a consistent and comprehensive analysis.

On the basis of this partial data, the trend of verbal attacks on journalists is on the rise in Macedonia and Serbia. In all countries a slight increase in the cases of physical attacks has been noted in 2015. Although in the past four years there have been no reported cases of incontrovertible murders of journalists, nevertheless there are a few cases of unclear circumstances surrounding the deaths of journalists.

C.2 Do state institutions and political actors undertake responsibility for protection of journalists?

Political systems and cultures in the countries of the region are such that taking political responsibility is not considered a virtue. Rather, there are tendencies by which the instances of violence and pressure against journalists are covered up or are very low on the list of priorities. This in turn creates a culture of impunity and has a chilling effect on journalists.

Specific policies in support of the protection of journalists almost do not exist. Only few positive initiatives were identified in BiH and Serbia. In BiH, the Ministry for Human Rights adopted the Activity Plan for human rights protection, in which one chapter is dedicated to protection of media freedom and journalists' rights, especially in cases of physical attacks and pressures. Also, the Ministry of Justice drafted amendments to Criminal Law to protect journalists who are victims of attacks. In Serbia, a draft-Memorandum was signed between JAs and the relevant institutions.

There are no developed state mechanisms (institutions, programmes and budgets) for monitoring and reporting on threats, harassment and violence towards journalists. Reliable data on attacks and threats to journalists are not published.

Few positive examples are detected in some countries: in Kosovo, the Police have just started preparing a list of threats and attacks against journalists. In Montenegro, State Public Prosecution and Police administration monitor and keep certain records. In Serbia, Instructions on the evidence of crimes against journalists and attacks on Internet sites were adopted in 2015 and their implementation has already started. In BiH, there is only the Free Media Help Line which is established by the BH Journalists Association.

The attacks on the safety of journalists are seldom recognized by government institutions as a breach of freedom of expression, human rights law and criminal law. With some exceptions, public officials rarely give explicit statements in which they condemn attacks on journalists. In cases when that is done, it is mostly declarative, because measures are not undertaken to investigate and find the actual perpetrators.

There are almost no documents adopted by state institutions which provide guidelines to military and police prohibiting harassment, intimidation or physical attacks on journalists. In BiH, there are two guidelines

for police officers on how to behave towards journalists, adopted 15 years ago and in Serbia, the draft-Memorandum between JAs and respective institutions is considered an attempt in this direction.

In all countries the cooperation between the state institutions with the journalists' organisations (on journalists' safety issues) are almost non-existent. To certain extent, the only positive example is BiH, where good cooperation exists between the Commission for Human Rights of the Parliament, Ministry of human rights and the Regulatory Agency for Communication.

In all countries, there are no appropriate control mechanisms over the bodies which are authorized to apply electronic surveillance. There were several cases of electronic surveillance of journalists detected in BiH, Montenegro, Serbia and Macedonia, but the most serious example is the one from Macedonia, where the main opposition party published that more than 100 journalists have been subject of illegal surveillance in the last four years.

C.3 Do the criminal and civil justice systems deal effectively with threats and acts of violence against journalists?

States' criminal and civil justice systems are often disinterested in solving the recorded cases of threat or violence towards journalists, editors or media workers. This lack of interest is not the result of the lack of capacity of these institutions. Rather it comes from the fact that they serve private interest so that in effect they have been "privatized".

There are almost no specific institutions/units dedicated to investigation, prosecution, protection and compensation in regard to ensuring the safety of journalists and the issue of impunity. In Montenegro, there is a Commission for monitoring the activities of the competent authorities in investigation of old and recent cases of threats and violence against journalists, murders of journalists and attacks on media property. In Serbia, there is a Committee on reviewing the facts pertaining to investigations of the murdered journalists.

No special procedures are established that can deal appropriately with attacks on female journalists, neither are adequate resources provided to cover investigations into threats and acts of violence against all journalists. The only positive example is from BiH where efficient investigation was undertaken by the Police and Prosecutors Office in Sarajevo in the cases of Lejla

Colak (death threats) and Borka Rudic (verbal threats and hate speech) in July and August 2016.

Measures of protection for journalists who were subject to threats to their physical safety are provided only in some cases, but the biggest problem is that the states do not undertake measures to remove the actual threats or to find the perpetrators. In Macedonia, there was a case when the Deputy Prime Minister physically attacked a journalist in a public space, which was recorded and published, but the relevant institutions never undertook any measures.

The investigations of crimes against journalists, including intimidation and threats are not investigated promptly and efficiently. The court procedures are very slow. Only certain number of criminal cases were investigated and resolved. Masterminds aren't known for any of the high profile case, and a most perpetrators have never been discovered.

There are no sufficient and appropriate forms of training and capacity building for the police, prosecutors, lawyers and judges in respect to protection of freedom of expression and journalists' safety.



Numerous research studies have been conducted in the last several years at both regional and national levels which provide comprehensive evidence on the current situation with media and journalists' freedoms in the Balkan countries⁵. Over the last decade political systems in the Balkan countries were not transformed into consolidated democracies. On the contrary, converse trends have been evidenced resulting in an alarming deterioration of media freedoms. Political and business elites exercise various forms of direct and indirect pressures against critical media and journalists.

This is exactly why freedom of expression became one of the top priorities in the enlargement strategy of the European Commission which committed itself to understand the systemic nature of the massive deterioration of the freedom of expression in the Enlargement zone and to elaborate adequate policy responses to it, by making use of the full potential of accession negotiations and the established forms of high level political dialogue⁶. To this end, the Commission developed a long term (2014—2020) assistance approach, supported by a results` framework to back achieving the political goals in the fields of freedom of expression and integrity of media. Three overarching areas are selected to be addressed with the EC strategic approach in this field: (1) the enabling environment for free expression and media; (2) strengthening journalists' and media professionals' organisations as the key drivers of the needed change; (3) helping

5 *Several studies and reports are published within the project: South East European Media Observatory Building Capacities and Coalitions for Monitoring Media Integrity and Advancing Media Reforms. Available at: <http://mediaobservatory.net/about>*

6 *DG Enlargement Guidelines for EU support to media freedom and media integrity in enlargement countries, 2014-2020, Available at: http://ec.europa.eu/enlargement/pdf/press_corner/elarg-guidelines-for-media-freedom-and-integrity_210214.pdf*

media outlets to improve their internal governance, thus making them more resilient against external pressures and restoring audience's confidence in them.

Journalists' associations from the Western Balkan countries (Bosnia and Herzegovina, Macedonia, Montenegro, Kosovo, Serbia and Croatia) need a set of reliable and comparable data on the level of media freedoms in their countries helping them to establish a cross-country mechanism for monitoring and advocating media freedoms and journalists' safety at local, national and regional level. These data are to be collected on a regular basis by national researchers nominated by the national journalists' associations (NJAs) and used for making baseline assessment about violations of media freedoms and journalists' rights. For that purpose, in February and March 2015, a common methodology was developed which provided national researchers with comprehensible and coherent guidelines to conduct the baseline assessments on the level of media and journalists' freedoms in the five Balkan countries.

It has to be emphasized that assessing the level of media and journalists' freedoms in a country is a complex research task that requires interdisciplinary expertise and research practice in different fields: media law, media policy, journalism studies etc. Therefore, the research reports written by the national researchers rely to a great extent on the existing theoretical knowledge and empirical studies already published at regional and national level. Next, new primary data were also collected in all five countries through (1) qualitative in-depth interviews with experts, journalists, lawyers and other actors and (2) surveys with journalists from different types of media. Third, a range of statistical data were collected and analysed, either from official sources or from the existing databases of the NJAs.

As with the other advocacy research projects, this one has also a specific purpose – to raise the awareness of the importance of media freedom and safety of journalists, to influence legislators and policy makers, to hold officials accountable for their actions and to change the behaviour among journalists themselves and the wider community.

The results from the advocacy research projects will help the journalists' associations in the five Western Balkan countries in several ways:

- They will give substance to their advocacy. It will add facts, statistics and reliable conclusions to NJAs positions and activities.
 - They will help reveal a new problem or focus on the most relevant one. The research may serve multiple purposes: to know what exactly to advocate for, what others have done, what affects the issue and to choose and advocate for effective advocacy strategies.
 - It will give new information to an existing case or activity. Research data can provide new evidence or new approach to a problem and may help to turn up the arguments on NJAs side. It will help confirming the positions about an issue and bringing more security to be able to say that renown experts in the field agree with the NJAs positions.
- It can provide NJAs with examples to use in their advocacy campaigns. Identifying an actual example can be a powerful tool in each advocacy campaign, because it makes the issue real and direct. It can help for people to understand easier what the issue is about.
 - It will give additional credibility to NJAs. If the research is done well, it will present the NJAs as actors who prepare serious foundation for their advocacy activities. It can contribute towards making the NJAs positions more convincing and credible to be listened by legislators and other public officials, concerned groups and general public.
 - It will provide NJAs with stronger arguments against the opposing actors. Reliable research can provide reasonable and logical argumentation to address the attacks and charges or to disprove negative claims coming either from the officials, political parties or opponents.



Overview of methodologies for assessment of media freedom and journalists safety

In recent years inter-governmental organisations, such as UNESCO and Council of Europe, have adopted several guidelines or methodologies for comparative assessment of media freedom and journalists' safety in different countries. In addition to that, several international organisations have developed their own methodologies and conducted comparative assessments that can be used as benchmarks for public scrutiny over media freedom at national level. Among the most renowned assessments or reports are those published by: USAID – IREX, Freedom House (Washington DC), BBC World Service Trust, Committee to protect Journalists, Reporters without Borders (Paris), etc.

UNESCO

In 2008, the Intergovernmental Council of the International Programme for the Development of Communication adopted the UNESCO Media Development Indicators (MDI)⁷. It is a general framework for assessing media development, with a focus on the media's contribution to the creation and sustaining of a functioning democracy and on their potential to boost social and human development. The framework takes a holi-

⁷ UNESCO, *Media Development Indicators (MDI)*, Paris: 2008. Accessed February 8, 2016: <http://unesdoc.unesco.org/images/0016/001631/163102e.pdf>

stic approach towards analysis of media development and puts more emphasis on diverse aspects of a comprehensive media policy aimed at fostering an enabling media environment for: free and independent media, plurality and diversity of sources of information, participation of all sectors of society in the media, high level of professional standards among journalists and adequate infrastructures and technical resources. The Media Development Indicators have been widely recognized and implemented by the UN agencies, development organisations and intergovernmental bodies. They have been also used by academics, experts, media professionals and civil society groups as a comprehensive document for baseline analyses at national level. Although the MDI are focused on the wider aspects of media development, some of the categories can be useful for assessing the obstacles for the freedom of journalists' work in the Balkan countries.

UNESCO has also focused on the issue of journalists' safety. In 2012 UNESCO led the UN Plan of Action on the Safety of Journalists and the Issue of Impunity and in April 2013 a Work Plan on the Safety of Journalists and the Issue of Impunity was endorsed and Journalists' Safety Indicators: National level⁸ were adopted. The indicators do not distinguish between different categories of journalist and present a broader definition of a journalist as "anyone involved in the provision of news or information". The emphasis is on a narrow definition of safety, relating to physical and psychological security, and to the related problem of impunity for those who violate these aspects of the life of a journalist. Any threats or attacks against the family members of journalists that are related to their work are considered to be a threat or attack against the journalist concerned. Being the most comprehensive document for this issue, these indicators were used in the Methodology as the main source for selecting the possible factors that can impact on the safety of journalists in the Western Balkan countries.

USAID – IREX

IREX Media Sustainability Index⁹ is one of the most frequently-cited sets of indicators. USAID has incorporated the MSI into its evaluation schema for several countries and the World Bank has accepted the MSI as

one of its governance indicators. The MSI is conceived as tool to measure media systems on the basis of indicators which are scored by media professionals according to standard set of criteria applied to each of the five "objectives". Each objective has 7-9 indicators (rated on a scale of 0-4) which are averaged to obtain objective score. A Panel of media professionals is core component of the process of assessment. It is being criticized because of relying too much on subjective assessments of individuals included in the panel and on incomplete or unreliable quantitative data.

Freedom House

Freedom House publishes regularly its Freedom of the Press Survey¹⁰, which is widely used by governments, international organisations, academics and the news media as a relevant source for assessing media freedom in many countries. The results from the Freedom of the Press Survey are also included in the UNDP Human Development Report Giving Voice to the Voiceless and in the UNESCO-CPHS research project on press freedom and poverty. 194 countries are included in the survey. Each country is given a total score from 0 (best) to 100 (worst) on basis of 23 questions divided into three sub-categories. Degree to which each country permits free flow of news and information determines classification as "free", "partly free" or "not free". The methodology is based on universal criteria but recognises "cultural differences, diverse national interests and varying levels of economic development". Data are collected from correspondents, staff and consultants. Findings of human rights and press freedom organisations, specialists, reports of government and multilateral bodies, domestic and international news media are also included.

BBC World Service Trust

African Media Development Initiative¹¹ is an initiative of the BBC World Service Trust to develop methodology for assessing media freedom adapted to the specific socio-political context of the African countries. First, de-

8 UNESCO, *Journalists' Safety Indicators: National level*, Paris: 2015. Accessed February 10, 2016: http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/images/Themes/Freedom_of_expression/safety_of_journalists/JSI_national_eng_20150820.pdf

9 USAID – IREX, *Media Sustainability Index*, Washington: 2016. Accessed September 10, 2016: <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2016-cover.pdf.pdf>

10 Freedom House, *Methodology for the Freedom of the Press Survey*, New York: 2015. Accessed February 9, 2016: <https://freedomhouse.org/report/freedom-press-2015/methodology>

11 BBC World Service Trust, *African Media Development Initiative*, London: 2006. Accessed on February 10, 2016: http://downloads.bbc.co.uk/worldservice/trust/pdf/AMD/AMD_summary_Report.pdf

sk research is employed to collect statistical about the media landscape in each of the 17 countries. Second, in-depth, qualitative interviews are conducted with media practitioners, legislators, regulators, NGOs and media commentators. Third, case studies of media development initiatives are presented, with lessons learned detected. It is not intended to replicate indices such as the Freedom House or IREX index or others, but aims to give a comprehensive picture of the state of media in each selected African country. As the title itself shows, it is more focused on the media ecology and media development factors.

Committee To Protect Journalists (CPJ)

The initiative Violence against journalists¹² of the Committee To Protect Journalists is focused primarily on journalists' safety around the world. It collects and publishes statistical data compiled from "confirmed" cases, excluding accidental death. The data are used to categorize: most deadly countries, most deadly years, murders by gender, nationality, type of journalists, suspected perpetrators by type, justice and impunity, motivation and context.

Reporters without Borders (Paris)

The Reporters without Borders World Press Freedom Index¹³ is based on indicators determined according to 50 criteria measuring: murder, imprisonment, physical attacks and threats (including against 'cyber-dissidents' and bloggers, harassment and surveillance, refusal of access to public information, censorship and routine self-censorship, reporting restrictions, deportation or obstruction of foreign journalists, jamming of foreign media, 'taboo' subjects, existence of state monopolies of radio, TV, printing or distribution; government control of state media, controlled access to journalistic profession, selective withdrawal of advertising, licensing requirements, violation of privacy of sources, narrow ownership of media, state monopoly of ISPs, forced website closures.. It covers 167 countries for which data are collected through questionnaire is completed by RSF partners and correspondents, journalists, rese-

archers, jurists and human rights activists. The data are scored according to a scale devised by RSF, assisted by Statistics Institute of the University of Paris. The criticism is mostly addressed to the lack of quality control of the data gathered through the online survey.

Council of Europe

In July 2008 the Parliamentary Assembly of the Council of Europe adopted a Resolution 1636 (2008) on Indicators for Media in a Democracy¹⁴, recalling on the importance of media freedom and the standards set through the Article 10 of the European Convention on Human Rights and related recommendations and resolutions. The Assembly invites national parliaments to regularly analyse the situation with media freedom in their countries, to identify shortcomings in media legislation and practice and to undertake measures to overcome the shortcomings. A list of basic principles is set out in the Resolution which should be used as benchmarks for national parliaments. On the basis of these principles a set of questions or indicators for a functioning media environment is further elaborated in order to enable objective and comparable assessments at European level¹⁵. The indicators are grouped into several categories or topics, whereas some of them are related to the conditions that directly affect the work of journalists and their associations.

European Commission

The Copenhagen political criteria set out within the European partnership process oblige the aspiring countries to show respect and true commitment to promoting freedom of expression. Although there is little *acquis* in this field, the European Commission is obliged to conduct comprehensive assessments of the situation regarding freedom of expression and media in the enlargement countries. Those assessments are being made on annual level and published in regular progress reports for each individual country. In order to achieve improvement on a long term basis, the European

12 *Committee to protect Journalists, Violence against journalists, New York: 2016. Accessed on February 10, 2016: <https://www.cpj.org>*

13 *Reporters without Borders, World Press Freedom Index, Paris: 2014. Accessed February 8, 2016: <https://rsf.org/index2014/en-index2014.php>*

14 *Council of Europe, Indicators for Media in a Democracy, Strasbourg: 2008. Accessed on February 10, 2016: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17684&lang=en>*

15 *Council of Europe, The Report on Indicators for Media in a Democracy, Committee on Culture, Science and Education, 7 July 2008 Doc. 11683. Available at: <http://www.assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=12123&lang=en>*

Commission developed a strategic framework to assess the fulfilment of the political goals in the fields of freedom of expression and integrity of media, which is summarised in the DG Enlargement Guidelines for EU support to media freedom and media integrity in enlargement countries, 2014-2020. The Framework is also pursued by financial and technical assistance to address three overarching areas: (1) the enabling environment for free expression and media; (2) strengthening journalists' and media professionals' organisations as the key drivers of the needed change; (3) helping media outlets improve their internal governance, thus making them more resilient against external pressures and restoring audience's confidence in them. The situation in each of the three areas is described briefly in the Guidelines

and a framework of goals and results is presented, with corresponding measurable indicators (and benchmarks). Possible means of verification are also identified for each group of indicators.

The Guidelines are of key importance for the network of journalists' associations in the region since they have taken into consideration the common contextual problems with the media freedoms in the region and therefore provide the basis for both national and regional approach to addressing the common problems. In addition, the relevance of this document for the journalists associations comes from the fact that they are themselves identified in the Guidelines as one of the key drivers of the media reforms in the region. Therefore,

while developing the Methodology, special attention has been given to the assessment of the situation in the region and to indicators relevant for the monitoring system to be established by the network of NJAs within this Project.

Taken as a whole, the existing methodologies and guidelines offer a good starting point to define indicators in line with the needs and priorities of the NJAs in the Western Balkans. However, most of the existing methodologies are designed to serve the objectives of the international organisations and are more focused on detecting comparable national data and general global trends on media freedoms. Moreover, they do not prescribe a fixed methodological approach, preferring to

offer a comprehensive list from which indicators should be tailored to the particularities of the national context. Next, the dominant methodologies and guidelines have been drawn up in the developed Western democracies and therefore lack certain degree of customisation essential for reflecting the local media context in the Balkan countries.

Therefore, the Methodology developed for the need of NJAs offers a selection of key indicators accommodated to the specific context in which local journalists' associations work. These indicators are based on the principle of self-assessment by local researchers, experts, journalists and representatives of journalists' associations.

Comparative analysis



A

Legal Protection of Media and Journalists' Freedoms

In general, the national legal systems of the Balkan countries contain the basic safeguards to protect freedom of expression and information through the media. To guarantee freedom of expression and freedom of the media, and to provide for judicial review of any restriction on these freedoms, all states have incorporated the basic standards set out in the Article 10 of the European Convention for Human Rights in their constitutions. Although in most cases, media and other legislation that affect the work of journalists are aligned with the European norms and standards¹⁶, there are still shortcomings detected in some laws that should be overcome in order to improve media and journalists' protection from political, economic and other types of pressures. However, the main problem in these countries is the lack of efficient implementation of the existing legal safeguards and their frequent violation in practice.

¹⁶ European Union, *Freedom of media in the Western Balkans*, Brussels: 2014, p.4. Accessed on September 27, 2016: [http://www.europarl.europa.eu/RegData/etudes/STUD/2014/534982/EXPO_STU\(2014\)534982_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/534982/EXPO_STU(2014)534982_EN.pdf)

A.1 Does national legislation provide guarantees for media freedom and is it efficiently implemented in practice?

The right to freedom of expression and information, including access to the internet, is guaranteed in the respective Constitutions and media legislation of all five countries. However, there is a general concern that the implementation of the legal guarantees is poor and that in the last several years the democratic function of the media and journalism in the region are deteriorating.

Normatively, under the European influence, media systems in all Balkan countries subject to this study are built upon the theoretical foundations of the 'social responsibility model' which places greater emphasis on the concepts of public interest and accountability of the media (especially broadcasting) to society at large. According to this model, media are free and operate in a free market, but they also accept some obligations to serve the public interest. These obligations are determined either through media and other legislation or through professional self-regulation. Both systems are very important for creating an enabling environment for development of independent and accountable media and for free and professional journalism that performs its democratic function in the society.

The legislative framework provides for minimum formal rules to be followed by media which de facto aim to protect the individual rights or the public interest, as defined in the Article 10 of the European Convention of Human Rights. These formal rules should be enshrined in the constitutions of the respective countries and incorporated either in media legislation or in other laws. On one side, they provide for basic guarantees for free and independent media and on the other, for compulsory instructions about the conduct, content, organisational structure or operation of the media (related to, for example, incitement of violence or hatred, pornography or other harmful content, libel and defamation, protection of privacy etc.).

The legislation of the Western Balkan countries incorporates all the basic safeguards for freedom of expression and information. This is a result of the continuous harmonisation with the CoE and OSCE standards as these countries (except Kosovo) are members of the Council of Europe and signatories to the European Convention on Human Rights and Fundamental Freedoms (ECHR) and other international instruments. In the last decade, the European Union has played a very significant role in helping the Western Balkan countries to further develop and harmonise their legislation with the EU acquis.

Therefore, its strategy incorporates strong political commitments for the democratisation of the Enlargement countries.¹⁷

However, professional journalists associations and media experts from the region consistently express their concerns about the lack of proper application of the legal guarantees and the level of media freedom in their countries. These issues are constantly emphasised by numerous regional and international reports and studies and are reflected in the successive progress reports of the European Commission. There is a general assessment for all Western Balkan countries that despite the positive alignment of the national legal frameworks with the European standards and recommendations, their application is very poor and therefore does not provide for basic conditions for media freedom and journalists' safety.

In the past several years, there have been frequent changes in media legislation of some of the Balkan countries which were not made in a transparent and inclusive procedure. The professional journalists and media organisations were not sufficiently included in drafting the laws and their critical comments and proposals were rarely taken into consideration.

In 2013, the Macedonian government drafted a general media law with an intention to impose influence over the print and online media sector and to establish a 'super' media regulator which would control all media. This was an obvious abuse of previously made arguments by various institutions, that there is a need for harmonisation of the broadcast legislation with the new Audiovisual Media Services Directive. The process was neither inclusive nor transparent. Following the reactions from the Association of Journalists of Macedonia and other domestic and international organisations, public debate was opened and lasted less than three months. The draft Law raised serious concerns that media freedoms in the country would be further jeopardised, which was also noted in the European Commission's Progress Report for Macedonia for 2013¹⁸. After the criticism expressed by local experts, the Association of Journalists and the CoE and OSCE expert reviews, the Government divided the draft-Media Law into two separate acts¹⁹ and withdrew the provisions related to the

¹⁷ *Ibid*, p. 7.

¹⁸ European Commission. *The Former Yugoslav Republic of Macedonia 2014 progress report*, Brussels: October, 2014, p.28. Accessed on September 27, 2016: http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-the-former-yugoslav-republic-of-macedonia-progress-report_en.pdf

¹⁹ Two different legal acts were adopted: the Law on Media (which regulate only some basic preconditions for the operation of the print and audiovisual media) and the Law on Audio and Audiovisual Media Services (which is aligned with the AVMS Directive).

online media. Still, current laws contain several major shortcomings related to: the lack of independence of the PSB and of the media regulator; regulation of the print media; state advertising in the private media; restrictive definition of the concept of ‘journalist’ etc. In 2016, in response to the newly developing political and institutional crisis in the country, several media and journalism organisations²⁰ summarised the minimum requirements for urgent amendments of the media legislation in a written document²¹ and challenged the main political parties to demonstrate clear commitments for thorough media reforms as a basic precondition for organising democratic parliamentary elections. During the political negotiations for the so-called Second Pržino Agreement, the ruling party VMRO-DPMNE²² did not demonstrate willingness to discuss media reforms and this issue was left out for the possible implementation of some future Government.

In Montenegro, in April 2016, the political parties signed a political memorandum which, as a precondition for free and democratic elections, entailed amendments of several media laws. It also involved the creation of a body which would control objectivity and professionalism of media²³. The Memorandum, however, has not envisaged any public consultation with the journalists’ and media associations. Although the Memorandum has not been implemented, it has to be emphasised that this was another example in the region where political parties negotiated media reforms without the participation of the journalists’ associations.²⁴

The 2014 process of amendments of the media legislation in Serbia was only partially transparent, because the journalists’ associations were involved in drafting the legal provisions. However, when they rejected the Government proposal for funding the public broadcaster from the state budget, the composition of the original working group was changed and another, smaller,

working group was nominated to finish the legal texts²⁵. Regardless of the criticism addressed by the journalists’ community, the laws contain provisions that were not agreed with the associations and are not harmonised with the European recommendations for funding, management and supervision of the public broadcasting services.

The process of drafting media and other laws relevant for the media in BiH was generally considered transparent, while in Kosovo the Association of Journalists and the Press Council reacted to their exclusion by the Prime Minister’s office over a draft regulation on the protection of children by media.

Although internet freedom is guaranteed by the general legislation, there were some attempts of the state authorities in the region to adopt targeted legislation or to seek blocking, filtering or takedown of internet content.

In all five countries no specific legislation exists regarding the issue of blocking, filtering and takedown of illegal internet content. However, such actions are regulated by the general legislation. Still, in some country cases subject to this study, there were attempts to adopt restrictive laws which specifically target content on the internet – for example, in October 2015 two parliamentarians from the ruling parties VMRO-DPMNE and DUI²⁶ (coalition partners in the Government) submitted a draft-Law on banning the publication and possession of wire-tapped content. The actual motive behind this proposal was to ban the publication of the content from the wire-tapped recordings which revealed a large-scale criminal and corruption of the public officials in Macedonia in the past several years. The Article 1 of the draft-Law explicitly stated that the purpose of the Law was to regulate “[...] the prohibition of possession, processing and publication through media, social networks, Web portals and any other means of publication of materials that are gathered through unlawful interception of communications.” Article 2, provided that anyone who speaks, writes or comments about the recordings shall be penalised with four years’ imprisonment. After the severe criticism of the experts, journalists association and international organisations²⁷ the draft-Law was withdrawn from the parliamentary procedure.

20 Association of Journalists of Macedonia, Independent Union of Journalists and Media Workers, Macedonian Institute for Media, Media Development Center, Institute of Communication Studies and several independent experts.

21 Blueprint for urgent democratic reforms, Skopje: July 2016. Accessed on October 22, 2016: http://www.balkanicsd.net/novo/wp-content/uploads/2016/07/BP_ENG_FINAL_08.07.2016.pdf

22 The abbreviation VMRO-DPMNE stands for Internal Macedonian Revolutionary Organisation-Democratic Party for Macedonian National Unity.

23 Marijana Camovic, “Indicators on the level of media freedom and journalists’ safety (Montenegro)”, (Podgorica: Trade Union of Media of Montenegro, 2016), accessed December 30, 2016: <http://safejournalists.net/wp-content/uploads/2016/12/WB-Media-Freedom-Indicators-2016-ENG-full-report.pdf>

24 Sonja Kaziovska, “The party-political ad hoc body will monitor the non-party-political media, fines up to 4.000 euro” (Partiskoto ad-hok telo ke gi sledi nepartiskite medium, kazni i do 4.000 evra”), Dnevnik, July 22, 2016. Accessed November 3, 2016: <http://www.dnevnik.mk/default.asp?itemID=836C5A19939E8C48A33CA0DE17BA033A>

25 Marija Vukasovic, “Indicators on the level of media freedom and journalists’ safety (Serbia)”, (Belgrade: Independent Journalists Association of Serbia, 2016), accessed December 25, 2016: <http://safejournalists.net/wp-content/uploads/2016/12/Full-WB-Media-Freedom-Indicators-2016-ENG.pdf>

26 DUI stands for Democratic Union for Integration.

27 Association of Journalists of Macedonia, SEEMO and NGO Infocenter react severely to the Law that bans the wiretapped materials (ZNM, SEEMO i NVO Infocentar ostro reagiraat na predlog zakonot za zabrana na prislusuvanite materijali). Vest, October 7, 2015. Accessed on September 20, 2016: <http://vest.mk/?itemID=BA747E08F441584D939D9EF5210DC0E2>

In Bosnia and Herzegovina, the Law on Public Order of Republika Srpska contains provisions which may restrict the freedom of expression on internet²⁸. According to this Law, all individuals, including journalists, who disseminate statements which may be considered as libel, slander or similar expressions may be sanctioned with fines.

In the past several years, there were several cases of blocking or take-down of internet content in the region. Serbia's 2014 case Feketic was connected to the take-down of a satirised video-clip from YouTube. The original clip was broadcast by the public broadcaster, while the satirised version was uploaded several times on YouTube. It was removed each time upon a request of the private company KVZ Digital, authorised to distribute content produced by the Serbian public broadcaster. The content of the satiric video featured the Serbian Prime Minister Aleksandar Vucic who, during the election campaign, seemingly staged helping the people affected by a winter storm in Vojvodina.²⁹

Another case is related to the news portal Pescanik³⁰ which was temporarily knocked offline in 2014, after publishing a story indicating that the Minister of Internal Affairs of Serbia is likely to have plagiarised a part of his doctoral thesis. The case was also described in the Freedom House report from 2015, as another instance of apparent online censorship in Serbia³¹.

The regulatory bodies in the five case-studies are generally perceived either as influenced by political parties in power, or as weak and still not sufficiently efficient in enforcing legislation and protecting freedom of expression and independence of the media.

Despite the formal provisions in the legislation which declaratively guarantee that regulators should be composed as expert bodies, independent of political parties and nominated in a transparent procedure, the criteria of professionalism and previous accomplishments rarely prevail in the nomination of their members. The other problem is that most of the regulators are being elected with simple parliamentary majority, which makes them closely affiliated to the ruling parties. Thus, being under continuous political influence, some of the regulators in the region do not efficiently perform their mission

and functions in an independent and non-discriminatory manner. The negative perception of their work is based on some of their recent decisions – especially while administering licences and selectively imposing sanctions – which demonstrate that in some cases they have double standard based on political bias.

For example, in Macedonia, the regulator had always been subjected to political pressures, but since 2006, it became a strong political instrument in the hands of the ruling party VMRO-DPMNE. The party used it to establish a complete control over the audio-visual media sector. This was especially evident in 2011 when the regulator revoked licences to the critical television station A1 and in the last two years when new licences were granted in a non-transparent, politically biased and irregular procedure.³² The research indicates that the procedures for awarding licences to certain media close to the ruling party had been agreed in advance. Two recent examples were especially indicative in this regard: the case of Radio Free Macedonia (national radio network) and the transfer of ownership of six regional TV stations³³.

The work of the regulator in Serbia is perceived similarly. One of the biggest problems is that the regulator is not sufficiently independent, transparent and efficient in enforcing legal provisions. Its members are influenced not only by the state bodies, but also by the media industry. During the appointment procedure, the candidate-members are actually filtered through a process of political selection, even though legally they are positioned as independent experts. An illustrative example was the situation when the parliamentary majority postponed the appointment of new members of the regulator twice and failed to appoint the ninth member, although the mandate of the current members expired³⁴. In addition, the effort made by the Parliament to include certain candidates (and finally appoint them) and even stronger eagerness to exclude others cast reasonable doubt in independence of this body.

The regulatory bodies in Montenegro (Agency for Electronic Media) and BiH (Regulatory Agency for Communications) are positioned and function as independent institutions, but they are generally perceived

28 Harun Cero, "Zakon o javnom redu je udar na ljudska prava." *Aljazeera Balkans*, October 2, 2016. Accessed October 15, 2016: <http://balkans.aljazeera.net/vijesti/zakon-o-javnom-redu-je-udar-na-ljudska-prava>

29 Marjia Vukasovic, "Indicators on the level of media freedom and journalists' safety (Serbia)", p.19.

30 *Ibid*, p.19.

31 Freedom House, *Freedom of the Press 2015: Serbia*, Accessed on November 3, 2016:

<https://freedomhouse.org/report/freedom-press/2015/serbia>

32 Vesna Nikodinoska, "Monitoring the law on audio and audiovisual media services in Macedonia: Transparency of the regulator strengthened, but not fully implemented". *South East European Media Observatory*, 2015. Accessed September 20, 2016: <http://mediaobservatory.net/sites/default/files/Macedonia-Transparency%20of%20the%20Regulator%20Strengthened%20But%20Not%20Fully%20Implemented.pdf>

33 *Ibid*, p.11.

34 Maja Zivanovic, "Odbor Skupstine APV o slučaju 'REM'", *Radio televizija Vojvodine*, 4 March 2016, Accessed on June 10th 2016: http://www.rtv.rs/sr_lat/vojvodina/novi-sad/odbor-skupstine-apv-o-slucaju-rem_695603.html

ived by journalists as not sufficiently efficient in legal provisions implementation. The Independent Media Commission in Kosovo has had a key role in protecting freedom of expression over the years, but the appointment of its board members is widely considered to be politicised. In December 2013, two board members were dismissed because of their involvement in politics leaving the regulator without necessary quorum, hence blocking its work until April 2014.³⁵

State advertising in the media has been misused by some governments for maintaining continuous political influence over the media. The most common problem in all countries is the lack of transparent criteria for allocation of the funds from the state budget to different types of media.

The negative influence of the practice of state advertising is evident most vividly in the Macedonian media sector. The ruling party VMRO-DMNE started using this mechanism for gaining political control over the private media in 2008. Over the years, the Government became one of the country's top largest advertisers with twice as much campaigns in the private media than the largest private company in the country. Therefore, the European Commission 2014³⁶ and 2015³⁷ progress reports raised serious concerns about this issue, highlighting that with this practice the authorities exert considerable influence on the media content. Governmental media campaigns are mostly used for airing political messages about the achievements of the Government and its ministries. In spite the criticism of the Association of Journalists of Macedonia and media experts, in July 2016, the Government made an attempt to legalise state advertising proposing a draft-Law on Informative and Advertising Campaigns. This draft-Law was welcomed by the media owners and the Association of the private national TV stations (which were the main beneficiaries of the state funding). The Association of Journalists, however, along with most of the NGOs in the field of media freedoms, strongly condemned this draft – Law, and considered it a part of legalisation of government

propaganda that used tax payer's money.³⁸ In August 2016 this draft-Law was withdrawn from the parliamentary procedure.

In Serbia, state advertising is also present, but unlike in Macedonia, it is regulated. The main criticism regarding the implementation of this regulation refers to the fact that there are no transparent criteria in the allocation of funds. According to the report of the Anti-Corruption Council, over the past four years, 124 state institutions have spent more than 60.9 million euro³⁹ on media. Promotional campaigns of the state institutions are usually aimed at the promotion of officials or politicians who are at the forefront of these institutions, while the contracts with the media usually imply their obligation to invite representatives of these institutions in their news programs.

Advertising of the public sector in Montenegro is regulated to some extent with the Law on the Budget of Montenegro. It is mainly assessed as non-transparent and without clear and consistent criteria of distribution⁴⁰. The allocation of funds is made on the basis of subjective assessments by state officials, often through making of direct contracts and without respecting the procedures prescribed by the Law on Public Procurement. This issue was emphasised by the European Commission in the Progress Report on Montenegro for 2015.⁴¹ In Bosnia and Herzegovina, there are also no clear rules according to which the Government allocates the money from the Budget to the media.⁴² It is also very difficult to receive reliable information from the public institutions on the amount of money allocated to different types of media at state or entity level.

Public institutions in Kosovo also provide large amount of advertising revenue for media which certainly affects their editorial policy. In 2015, Kosovo's government spent 1,6 million euro for marketing, but it did not publish the figures allocated to the specific media⁴³. Several ministries allocate money from their budgets directly to some online media, daily newspapers or news agencies to advertise their activities⁴⁴.

35 Petrit Qollaku, "Indicators on the level of media freedom and journalists' safety (Kosovo)", (Pristina: Association of Journalists of Kosovo, 2016), p.17. Accessed December 25, 2016: <http://safejournalists.net/wp-content/uploads/2016/12/Indicators-for-the-media-freedom-and-journalists-safety.pdf>

36 European Commission, *The Former Yugoslav Republic of Macedonia 2014 progress report*, Brussels: October, 2014, accessed September 27, 2016: http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-the-former-yugoslav-republic-of-macedonia-progress-report_en.pdf

37 European Commission, *The Former Yugoslav Republic of Macedonia 2015 progress report*, Brussels: October, 2015, accessed September 27th 2016: http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_the_former_yugoslav_republic_of_macedonia.pdf

38 "AJM has left the briefing of Minister Tomovska", Association of Journalists of Macedonia, accessed July 4, 2016: <http://znm.org.mk/?p=2460>.

39 Marija Vukasovic, "Indicators on the level of media freedom and journalists' safety (Serbia)", p.20.

40 Marijana Camovic, "Indicators on the level of media freedom and journalists' safety (Montenegro)", p.17.

41 European Commission, *Progress Report for Montenegro 2015*, P. 23. Accessed May 25, 2016: http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_montenegro.pdf

42 Rea Adilagic, "Indicators on the level of media freedom and journalists' safety (Bosna and Herzegovina)", (Sarajevo: BH Journalists, 2016). Accessed December 15th: <http://safejournalists.net/wp-content/uploads/2016/12/Full-BIH-ENG-Digital.pdf>

43 Petrit Qollaku, "Indicators on the level of media freedom and journalists' safety (Kosovo)", p.17.

44 Ibid.

There are several models of subsidies aimed for encouraging pluralism of content in the media. While the original intention of the legislators appeared to be to encourage content diversity, in practice the allocation of these funds has been frequently selective, biased and abused by the authorities to influence the editorial policy of the media.

Serbia has a developed model of state support to electronic and print media, aimed at strengthening program diversity and pluralism in the media. According to the Law on Public Information and Media all institutions at state and local level are obliged to allocate funds from their budgets for co-financing of projects of public interest. While some journalists and experts believe that this model is the only way to support media pluralism at local level, the others negatively evaluate its implementation in practice⁴⁵. The biggest problems are related to the definition of a content of public interest, lack of transparency and adjustment of the criteria for the allocation of these funds to the media that are close to the local authorities.

The other model of financial support to media pluralism in Serbia is the one aimed at developing media which publish content in the languages of national minorities. The councils of national minorities, also funded from the state budget, can establish media in the respective minority language.⁴⁶ Furthermore, the institutions at state and local levels can also allocate funds to these media for co-financing of projects of public interest. However, it is still difficult to conclude that this model actually leads to development of linguistic pluralism in the media, because some of the media were shut down through the process of privatisation. On the other side, large amount of state budget is allocated to privatised media which actually serve local officials as a means for self-promotion and party-political campaigning.⁴⁷

In Macedonia, the Law on Audio and Audio-visual Media Services adopted in 2013 introduced new obligations for TV broadcasters at national level to produce and broadcast certain percentage of domestic documentary and film content. The initial justification for introducing such strict obligations to the national terrestrial TV stations was to preserve cultural identity and to encourage new domestic TV content produced by broadcasters. It is also stipulated that half of the expenses for the production of this content will be compensated directly from the state budget, through decisions brought by the Inter-ministerial Commission composed of 7 members nominated by public institutions, including the Cabinet of the Prime Minister and the Public Revenue

Office. This model of media subsidies in the audio-visual sector was criticised by the media experts and the Association of Journalists of Macedonia for several reasons: the risk of political influence on the decisions of the Inter-Ministerial Commission, the lack of expertise of the members who are actually civil servants, the exclusion of independent producers from this model and the lack of capacity of the national TV stations to produce quality content, very high penalties for broadcasters which don't meet the legal quotas etc.⁴⁸ On the other side, there are no media subsidies aimed for encouraging the development of media of national minorities in Macedonia, which barely survive in the very fragmented media market.

The Law on Electronic Media of Montenegro contains provisions aimed at encouraging media pluralism from the income gathered through lottery and other types of games of chance⁴⁹. Funds are allocated to commercial broadcasters for the production of programs of public interest, which are of importance for: members of national minorities in Montenegro, prevention of discrimination, promotion of social integration of persons with disabilities, rising of awareness on gender equality etc. The Agency on Electronic Communications also allocates funds to commercial broadcasters from a fund specially created for this purpose. However, there was some criticism that these funds are allocated to media close to the ruling party⁵⁰. The Law on Minority Rights and Freedoms also provides obligation of the state to financially support the media in the languages of national and ethnic groups. The amount the state allocates for this purpose is 0.15% of the state budget.

There are no media subsidies or public funds aimed for supporting media pluralism in Kosovo and BiH. According to the Law on Protection of the Rights of National Minorities in BiH, there is a provision that national minorities can establish media on own languages but it is considered as a declarative statement only⁵¹, because there are no funding mechanisms to encourage cultural pluralism in the media.

The autonomy and independence of the PSBs is guaranteed by the legislation, but in practice it is not efficiently implemented. The funding frameworks still do not provide for independent and stable functioning of the public service broadcasters in the region. The supervisory bodies do not

45 Marija Vukosovic, "Indicators on the level of media freedom and journalists' safety (Serbia)", p.21.

46 *Ibid*, p.21.

47 *Ibid*, p.22.

48 Besim Nebiu et al., "Indicators on the level of media freedom and journalists' safety (Macedonia)", (Skopje: Association of Journalists of Macedonia, 2016).

Accessed December 20, 2016: <http://safejournalists.net/wp-content/uploads/2017/01/Full-MK-ENG-Digital.pdf>

49 Marijana Camovic, "Indicators on the level of media freedom and journalists' safety (Montenegro)", p.17.

50 *Ibid*, p.18.

51 Rea Adilagic, "Indicators on the level of media freedom and journalists' safety (Bosna and Herzegovina)", p.17.

represent the society at large and do not protect the public interest sufficiently.

The institutional autonomy and editorial independence of the public broadcasters in Serbia (Radio Television of Serbia and Radio Television of Vojvodina) are guaranteed by the Law on Public Service Media.⁵² The Program Councils of the two public broadcasters are obliged, by law, to ensure the satisfaction of the citizens' interests, but in practice these bodies are not controlled by the civil society. Financial independence of the public broadcasters has been brought into question because of the low subscription income and dependency from the budgetary grants. In the process of amending the law in 2014 the authorities have shown reluctance to introduce a stable funding solution through public taxation, so they proposed that public broadcasters are financed solely from the budget.

The public broadcaster in Montenegro is in a similar situation. Its institutional autonomy and program independence is guaranteed with legal provisions and the Statute of the Radio and Television of Montenegro. The Program Council is also obliged to protect the public interest and to represent the society at large. In reality, the Council is indeed composed to represent different segments of society, but there is a widespread opinion that this body does not have substantial influence on the RTV Montenegro editorial policy.⁵³ The public broadcaster is funded mainly from the state budget. Annually, 1.2% is allocated for the public broadcaster from the budget (about 14,2 million euro in 2016). However, it is emphasised that these funds are insufficient for its normal functioning and that it is necessary to provide appropriate and stable funding in order to ensure the independence and sustainability of the public broadcaster in Montenegro.⁵⁴

The Macedonian Radio Television (MRT) has been under strong political control of the ruling parties since the beginning of nineties. Its editorial independence is legally guaranteed, but different governments have never allowed its actual independence. Its failure to inform the public on issues of public interest was most evident during the wiretapping scandal in 2015, when the editors in chief decided not to report at all on the indications in the leaked recordings on the large-scale corruption of the public officials⁵⁵. Almost all of the Executive Directors in the past were people close to one or another political party in power and did not achieve any significant

progress in MRT transformation.⁵⁶ The Program Council (MRT supervisory body) is legally obliged to protect the interests of the public and to represent the diversity of the Macedonian society, but in practice the current composition of the Council is highly politicised⁵⁷. In the past decades the funding framework was the weakest point of the public broadcaster because it did not provide for its stable operation and institutional autonomy. It is primarily funded by the license fee, but it also receives significant funds from the state budget due to the inefficiency of the tax collection system. The practice of continuous funding from the budget has created a 'culture of dependence' of the managing bodies and other professionals in MRT⁵⁸.

The institutional autonomy and editorial independence of the Radio and Television of Kosovo (RTK) is also guaranteed by law. The supervisory board of RTK was envisaged to represent the society at large, including minorities, but it has been widely criticised because their nomination comes from political parties. Both the institutional autonomy and editorial independence of the public broadcaster has been subject of political interference over the years.⁵⁹ RTK is still funded from the state budget. Since the beginning of 2016, the funding is being allocated every three months, putting the public service in difficult position and jeopardising its autonomy and independence. There are proposals to reintroduce the license fee collection system (in the electricity bills) or to find other sustainable model⁶⁰.

All public broadcasting services in Bosnia and Herzegovina (BHRT, RTVFBiH i RTRS) are normatively positioned as autonomous and independent. However, its future is seriously brought into question due to long-term problems with the broadcast tax collection system, political pressures and tendencies against the public broadcasting at level of BiH.⁶¹ Currently, there is no political will to find long-term solution for an effective funding framework for the PSB in BiH and for its sustainable and effective transformation.

52 Marija Vukasovic, "Indicators on the level of media freedom and journalists' safety (Serbia)", p.22.

53 Marijana Camovic, "Indicators on the level of media freedom and journalists' safety (Montenegro)", p.18.

54 *Ibid.*, p.19.

55 Riclev, Zoran. "MRT – 'State' service that moves away from the public interest." (MRT: 'Drzaven' servis koj se oddalecuva od javniot interes). Prizma, 16 April 2015. Accessed on September 20, 2016.

56 Brodi, Elda et al. *Freedom of Media in Western Balkans*, Directorate General for External Policies, European Union, Brussels: October 2014, p.16.

57 Besim Nebiu et al., "Indicators on the level of media freedom and journalists' safety (Macedonia)", p.17.

58 Igor Micevski et al., "Media and the non-majority communities in Macedonia: poor resources, low professional standards and ethno-political clientelism", in *Information in Minority Languages in the Western Balkans: Freedom, Access, Marginalization*, edited by Davor Marko, (Sarajevo: Media Plan Institute, 2013).

59 Petrit Qollaku, "Indicators on the level of media freedom and journalists' safety (Kosovo)", p.18

60 *Ibid.*

61 Rea Adilagic, "Indicators on the level of media freedom and journalists' safety (Bosna and Herzegovina)", p.18.

A.2 Do Defamation Laws cause a 'chilling effect' among journalists?

In all five countries, the legal framework on defamation is aligned with CoE and OSCE standards. Defamation is decriminalised everywhere, but there is a general assessment that the 'chilling effect' of the new laws is very strong due to high fines and penalties.

There is a general consideration among the journalists in the region that, although decriminalisation of defamation is a positive step towards further strengthening of media freedoms, the 'chilling effect' of the new civil liability laws is still very strong because defamation is penalised with inappropriately large fines⁶². For example, in Macedonia, in September 2014 the weekly Fokus had an adverse ruling confirmed in the appeal. The editor and the journalists were obliged to pay more than 9,000 euro for an article which was deemed defamatory against the (then) Director of the Secret Service⁶³. The 2015 EC Progress Report for Macedonia also emphasised that there is a strong chilling effect on freedom of expression that comes from the tendency of politicians and public officials to sue the journalists, instead of engaging in an open debate⁶⁴.

In Montenegro, there are divided opinions on whether the decriminalisation of defamation was a positive move, especially after the 2014 case of the tabloid Informer that brutally attacked civic activist Čalović, who criticised the authorities.⁶⁵ There are some opinions that the new legislation does not provide for sufficient protection of individuals who are attacked by some unprofessional media. In order to increase circulation, these media are even prepared to pay large fines for causing harm to persons who were subject to defamation or slander.⁶⁶ However, most journalists and experts believe that the situation is now better for the journalists, because they can no longer be prosecuted in a criminal procedure for

a spoken or written word. Besides, in the past, monetary compensation of violation of honour and reputation were huge, sometimes draconian, and utterly disproportionate to the damage caused. Similarly, decriminalisation of defamation in Serbia is considered as a positive step towards greater media freedoms, although the practice has not change much. Legal experts and journalists state that "at least, now the journalists cannot be imprisoned for defamation"⁶⁷.

Journalists and legal experts from Kosovo think that the new Civil Law Against Defamation and Insult does not contain provisions that are protective of state officials, but the main problem is that the Law is poorly implemented in practice. One of the shortcomings noted in the Law is that it does not provide a clarification as to how someone can file a suit.⁶⁸ In BiH, the biggest problem is not the quality of the defamation law, which is to great extent aligned with the European standards, but the huge number of defamation suits against journalists and media as well as the large fines which indeed cause a 'chilling effect' among journalists' community.

The number of lawsuits initiated against journalists by the state officials was quite big in the past three years. There are cases of politically motivated court rulings against journalists. The courts still do not sufficiently recognise the decisions made by the self-regulatory bodies when deciding about the cases.

There is a general assessment that the number of lawsuits against journalists in the region is very big, although in some countries there is no official statistics. What is especially missing is the number of lawsuits initiated against journalists by state officials. For example, in Serbia, by the end of April 2016, there were 153 lawsuits. In Macedonia, by July 2016 there were around 40 cases of defamation and insult against journalists, but only 10 were initiated by state officials. However, before the defamation decriminalisation in Macedonia, this number of cases against journalists was around 330. In Bosnia and Herzegovina, around 100 lawsuits for defamation are filed annually – a big number for a small country like BiH.

Court systems in all countries are highly dependent on the political sphere. Very often, the state officials attempt to influence the court proceedings and there are cases that were administered in a politically motivated manner against some journalists. In Serbia, a typical example of this is the case of Television Forum from Prijepolje – when the employees sued the City

62 Freedom House, *Report on the freedom of the press, 2015*. Accessed on: September 14, 2016. <https://freedomhouse.org/report/freedom-press/2015/macedonia>.

63 Besim Nebiu et al., "Indicators on the level of media freedom and journalists' safety (Macedonia)", p.20.

64 European Commission, *The Former Yugoslav Republic of Macedonia 2014 progress report*, Brussels: October 2014, p.21

65 Petar Komnenic, "The case 'Informer': How to protect oneself from media lynching?" (*Slučaj 'Informer': Kako se zaštiti od medijskog linča?*) Radio Slobodna Evropa, Oktobar 31, 2014. Accessed 25 October, 2016. <http://www.slobodnaevropa.org/a/slucaj-calovic-nemoc-institucija-da-zastite-pojedinca-od-medijskog-linca/26667955.html>

66 Marijana Camovic, "Indicators on the level of media freedom and journalists' safety (Montenegro)", p.20.

67 Marija Vukasovic, "Indicators on the level of media freedom and journalists' safety (Serbia)", p.24.

68 Petrit Qollaku, "Indicators on the level of media freedom and journalists' safety (Kosovo)", p.19.

Table 1: How influential is the threat of defamation law on the work of journalists?

%	Serbia	Macedonia	Kosovo	Montenegro	BiH
Extremely influential	12.6	3.0	32.0	18.5	48.3
Very influential	15.0	29.0	12.0	25.9	31.4
Somewhat influential	12.6	13.0	28.0	18.5	12.6
Little influential	12.6	18.0	8.0	14.8	1.0
Not influential	23.4	6.0	14.0	18.5	0.0
Not relevant to their work	2.8	6.0	0.0	0.0	6.0
Don't know	16.2	0.0	4.0	3.7	1.0
Refused to answer	1.8	25.0	2.0	0.0	0.0

Mayor for offending and threatening the journalists, the Appellate court quickly acquitted the Mayor (within 3 days) despite threats and insults he had made.

In the beginning of 2015, the Association of Journalists of Macedonia (AJM) analysed 39 defamation/insult cases against journalists and monitored a total of 106 hearings in which defendants or plaintiffs for defamation and/or insult were journalists.⁶⁹ The AJM analysis showed that the trials on defamation are lengthier than average court processes in Macedonia, but in all of the monitored cases, the courts acted in accordance with the Law on Civil Liability for Defamation and Insult and called upon the jurisprudence of the European Court of Human Rights in Strasbourg. The courts respected the obligation to publish the decisions, but did not meet the legal deadlines for their publication within the period specified by Law.

There are similar perceptions about the judiciary in Montenegro, where the lower level courts have shown better understanding of the European standards, while those at higher level have demonstrated an extremely rigid position.⁷⁰ Illustrative examples are the court proceedings against Dan, Vijesti and Monitor that were prosecuted upon the accusation of the Prime Minister Milo Djukanovic's sister, in relation to the published texts about the 'Telekom' affair. Djukanovic had sought a compensation of 100,000 euros, but the courts had not accepted her requirement and penalised Vijesti with 2,000 euros, while Dan and Monitor with 5,000 euros each.

There is an inconsistency issue in administering the cases by the courts in Federation of Bosnia and Herzegovina and of Republika Srpska. Similar cases have had different outcomes in these two entities. Namely, the same politician filed two lawsuits for defamation – one was prosecuted in the Federation BiH and the other

in Republika Srpska.⁷¹ Referring to the standards of the European Court of Human Rights, the Municipal Court on the first instance and the Cantonal Court in Sarajevo on appeal concluded that the "claimant is indisputably a public figure and that ... he should show a greater degree of tolerance". The court in Banja Luka, however, concluded just the opposite: since the claimant occupies such a high position on the state "he suffers more damage."⁷²

In all five countries there are self-regulatory bodies (press councils). In most of the cases, the courts do not take into consideration their decisions. In Serbia, there were three cases registered where the journalists asked from the Press Council to establish whether they had violated the Code of Ethics and submitted these decisions to the court.

The journalists who participated in the regional survey feel very much discouraged to investigate and write critically due to the chilling effect of the defamation laws.

The results from the survey conducted within this research study journalists clearly state that the tendency to sue for libel and defamation has relatively significant influence on their work. Asked if the threat of libel/defamation has any bearing on the work of journalists, the journalists from different countries gave different replies. It seems that the threat of defamation lawsuit has the biggest chilling effect on journalists from Bosnia and Herzegovina (92.3%) Kosovo (71%) and Montenegro (63%), while in Macedonia (45%) and Serbia (40%) the percentages are lower. However, it has to be noted that in these countries the journalists who responded to this question is quite big (in Macedonia 25% refused to reply, while in Serbia 18% didn't know or refused to answer).

69 Besim Nebiu et al., "Indicators on the level of media freedom and journalists' safety (Macedonia)", p.19.

70 Marijana Camovic, "Indicators on the level of media freedom and journalists' safety (Montenegro)", p.20.

71 Rea Adilagic, "Indicators on the level of media freedom and journalists' safety (Bosna and Herzegovina)", p.19.

72 Ibid, p.19.

A.3 Is there a sufficient legal protection of political pluralism in the media before and during election campaigns?

Protection of political pluralism in the media in the non-election period is incorporated in the national media laws as a general principle. Regulators are not explicitly authorised to monitor and protect pluralism.

In all five cases, protection of political pluralism in non-election period is stipulated only as a general principle. The regulators are responsible only for the monitoring and implementation of the provisions related to the protection of political pluralism during election campaign. There are no explicitly stipulated obligations of the regulators to monitor and undertake measures regarding the political pluralism out of election campaigns.

Protection of political pluralism in the media in the non-election period emerged as an important issue in Macedonia during the wiretapping scandal in 2015. All the pro-governmental media, including the public service, decided not to publish any content from the recordings with an 'argumentation' that this is illegally collected material. It became quite obvious why these media favoured the ruling party and demonised the political opposition over the years. There were public debates about the need to regulate the concepts of 'balanced reporting' or 'internal pluralism' in the legislation more precisely and to introduce sanctions for those media which would not comply with these principles. In autumn 2016, a temporary commission was established at the Agency of Audio and Audio-visual Media Services with a task to monitor the extent to which the broadcasters comply with the requirement for balanced reporting about different political opinions. On the other side, the Agency proposed a new Methodology for monitoring the level of political pluralism in the news programs in non-election period, on the basis of the so-called French model of political pluralism in the media. However, political parties did not agree on the basic criteria for monitoring political pluralism and sanctioning the media, so the Methodology was withdrawn. Still, this became a priority regulatory issue in the country within the debate on urgent media reforms.

For the election period in all five countries there are stricter and detailed obligations for both public and private broadcasters to report in a balanced and impartial manner about political actors. Regulators are explicitly authorised to monitor and protect pluralism during elections.

In most of the country cases political parties in opposition and opposition candidates do not have fair and equal access to the media in both non-election period and during election campaigns.

In all five countries, there is a prevalent opinion that political parties do not have equal and fair access to the media either in non-election period or during the election campaign. They don't have access to the programs of the public broadcasting services for which legal requirements are stricter. This is particularly the case with the private media which often serve as ruling political party outlets. The opposition has been marginalised for years, its views have been improperly presented or have been severely attacked and demonised. Throughout the region, there are only a small number of media that are reporting in a neutral and balanced manner on all political actors.

A study conducted by the Institute of Communication Studies (ICS) from Macedonia focuses on the issue of political pluralism in the media during the election and non-election periods.⁷³ The monitoring results documented that political pluralism in the media is seriously jeopardised, because most influential TV stations abuse their news programs for political marketing of the government and the leader of the ruling party. Journalists in these TV stations do not perform their basic role of being watchdog of the public interest or neutral and detached critics of those in power. Analysis of the political pluralism in the media outside the election period in Serbia showed that the public broadcaster is particularly focused on reporting on the performance of government bodies and on the decisions of the state authorities and high officials.⁷⁴

On the other hand, there are many published studies and reports on how media report during the election periods. For example, in Serbia the OSCE's analysis showed that the activities of the government and of the Serbian Progressive Party were dominant in the news programs of the two public broadcasters.⁷⁵ The private TV channels (B92, Happy, Pink and Prva) in their news programs also favoured the Government and the Serbian Progressive Party. This was especially emphasised for TV Pink, which openly promoted the Government and portrayed the Democratic Party in a negative light.

In Montenegro, the prevailing attitude is that the political parties do not have fair and equal access to the media either during or outside election periods and that almost

⁷³ The reports are available at: <http://respublica.edu.mk/modem-izvestai>

⁷⁴ Marija Vukasovic, "Indicators on the level of media freedom and journalists' safety (Serbia)", p.26.

⁷⁵ *Ibid*, p.26.

Table 2: Have you ever been refused the right to report from certain places or events on the ground of not having accreditation issued by the authorities or on other grounds?

%	Serbia	Macedonia	Kosovo	Montenegro	BiH
Yes	42.3	44.0	60.7	42.6	26.1
No	50.5	32.0	35.7	48.1	73.9
Don't know	7.2	4.0	3.6	3.7	0.0
Refused to answer	0.0	19.0	0.0	5.6	0.0

each particular media has its political favourite. The ruling party has the biggest influence on the public opinion, and this is particularly achieved through the public broadcasting service. Instead of searching for and protecting the public interest, the private media are politicised and play the role of “political parties megaphone”⁷⁶.

Similar conclusions can be drawn for BiH. The media are much politicised, their news programs mostly reflect the views and interests of media owners and political parties to which they are affiliated with. This is especially valid during the elections. For example, in 2014 a monitoring study established that most of the media were divided along political, ethnic and territorial lines, and were strongly influenced by their owners and political sponsors.⁷⁷

A.4 Is freedom of journalists’ work and association guaranteed and implemented in practice?

Do journalists have to be licensed by the state before they can work? Have journalists been refused to report from certain places or events?

The journalists from the region do not need any kind of licence or permission for their work. The associations of journalists issue accreditations and define the criteria to be met by the journalists for that purpose. There were some initiatives to introduce licences for journalists in Macedonia and Montenegro, justified by need to increase the quality of professional standards in journalism. Such an initiative was also raised by a political party in Serbia. However, all these ideas were categorically rejected by most of the journalists’ associations arguing that the quality of profession can be only increased primarily by securing their socio-economic position and then

by developing professional values and principles of independent journalism that serves the public interest.

One problematic issue in the current Media Law in Macedonia is the restrictive definition of the profession of a journalist. The definition reduces the right to be journalists only to persons who are employed by the media or have an employment contracts with it, or to persons who work as independent journalists (freelance journalists). This definition is problematic as it may limit the work of the newly emerging on-line journalists and bloggers, or citizen journalists.

Despite the fact that the journalists do not need licences, authorities frequently prevent them from reporting from certain events on the ground of not having accreditation. The survey conducted within this project showed that this was most frequent in Kosovo, then in Macedonia, Montenegro and Serbia.

A major violation of journalists’ freedom in Macedonia happened on 24 December 2012, when the Parliament Security expelled the journalists from the Parliamentary gallery in order to prevent them from reporting on the ousting of the opposition from the Parliament. Having exhausted all legal options to seek justice in the country, in 2013 AJM submitted formal case to the European Court of Human Rights⁷⁸.

Journalists’ associations are functioning in all five countries, but many journalists are still not their members. Pressures are especially exerted over the strong and critical associations and their leaders.

It seems that journalists in the region are free to organise themselves in journalists associations. In some countries there are even two or more associations. However, in some countries, journalists are not very much interested in becoming their members. For example, in Montenegro almost 80% of the respondents in the sur-

⁷⁶ Marijana Camovic, “Indicators on the level of media freedom and journalists’ safety (Montenegro)”, p.22.

⁷⁷ Media Plan Institut, “Assessment of political diversity in media reporting during general elections in 2014 in BiH” (Sarajevo: Media Plan Institut, 2015), p.4.

⁷⁸ Sinisa Jakov Marusic, “Macedonia journalists to seek justice in Strasbourg”, *Balkan Insight*, June 5, 2014, Accessed September 15, 2016: <http://www.balkaninsight.com/en/article/macedonia-journalists-to-see-justice-in-strasbourg>

Table 3: List of journalists' associations in the five countries

Montenegro	Association of Professional Journalists of Montenegro (APJM) Association of Journalists of Montenegro (AJM)
Serbia	Independent Journalists Association of Serbia Journalists Association of Serbia Independent Journalists Association of Vojvodina (regional) Association of Professional Journalists of Serbia (mostly from state media)
Macedonia	Association of Journalists of Macedonia (AJM, the oldest) Macedonian Association of Journalists (MAN, pro-governmental)
Kosovo	Association of Journalists of Kosovo (AGK) Union of Journalists of Kosovo (UGK)
BiH	BH Journalists other 4 associations (not very active)

Table 4: Trade unions of journalists in the five countries

Montenegro	Trade union of media of Montenegro (part of the Union of free trade unions of Montenegro) several unions in the PSB which operate independently (one is part of the Union of informative, publishing and graphic activity, which is a branch of the Trade Unions of Montenegro)
Serbia	Independent Union of workers in the graphic, publishing, information activity and cinematography of Serbia (part of the Union of independent trade unions of Serbia) Trade Union of media Independence Trade Union of journalists of Serbia
Macedonia	Independent Union of Journalists and Media Workers (SSNM) Union of journalists in the PSB
Kosovo	Union of journalists exists only in the PSB There is no trade unions of journalists of Kosovo
BiH	Trade unions at the entity level and in Brčko District Confederation of three trade unions at the level of BiH Two trade unions in the PSB Union of graphic, publishing and media workers

vey stated that they don't belong to any association. This is common in other countries: in Macedonia 67%, in Serbia around 50% and in Kosovo 58% of the respondents stated that were not members of any journalists' association. It seems that BiH is an exemption in this regard, since 70% of the journalists in the survey stated that they are members of a journalists' association.

Some of the associations are criticised for being politicised. Such organisation is Macedonian Association of Journalists (MAN), created in 2013 as a parallel association to AJM when the Government issued two drafts of media laws. MAN was created with a purpose to denigrate the activities of AJM and to promote publicly opposing positions of those of AJM. In its 2015 Progress Report, the European Commission expressed serious concern about this situation.⁷⁹ Clear evidence for MAN's politicisation was that in August 2016 the Secretary and the President of MAN were nominated by the ruling party VMRO DPMNE as two of the five members in the ad-hoc body for monitoring the reporting of the audio-visual media.

There are many pressures on the journalists' associations and their individual members who are critical towards government. In Serbia, the most frequent pressures were exerted over those associations that insisted on deep media reforms in the country, especially with regard to privatisation of the media and co-financing of projects of public interest. In Macedonia, in the past two years, the AJM members were subject to continuous pressures. Such cases are more present in the regional and local media where the journalists are even more fragile and where the media owners are directly linked with the ruling party.⁸⁰

Journalists are not interested in organising in trade unions, because they have a fear of being laid off from work if they do. The pressures over the trade union leaders are very serious and are coming predominantly from the media owners and governments.

The work of the journalists' trade unions in the region is very difficult. The polarisation and political clashes

79 European Commission. *The Former Yugoslav Republic of Macedonia 2015 Progress Report*, Brussels: October, 2015, p.22.

80 Besim Nebiu et al., "Indicators on the level of media freedom and journalists' safety (Macedonia)", p.24.

Table 3: Self-regulatory bodies in the five countries

Montenegro	Media Council for self-regulation
Serbia	Press Council
Macedonia	Council of Ethics in the Media
Kosovo	Press Council
BiH	Press Council

between media make the attempts of the trade unions to improve the labour rights of journalists almost futile. Trade unions of journalists exist everywhere in the region, and in some countries there are more organisations.

There are no exact figures about the trade unions membership, but the survey provided evidence that huge number of journalists are not motivated to become members, mostly because they don't think the trade unions can help them or have a fear of losing their jobs if they do join. For example, in Montenegro, 43% of the interviewed journalists said that do not belong to any trade union. In Serbia (75%), Macedonia (67%), BiH (72%) and in Kosovo (82%) these figures are much higher.

There are many pressures on the trade unions and their leaders. The biggest problem for the trade unions is the pressures coming from media owners who directly or indirectly express their position that they don't accept unions in their media. In September 2014, Marijana Camovic, the leader of the Trade Union of Media of Montenegro, was fired from her job although as a leader of the union she was legally protected.⁸¹ She sued the management of privately owned Vijesti and a year later she was returned to work, but not on a position of a journalist. In Macedonia, the president of the Independent Union of Journalists and Media Workers (SSNM), Tamara Causidis, was fired from the privately owned Alsat-M television. While her employers said her departure was based on a mutual agreement, Causidis said that the signature on her resignation letter had been forged and that she had been sacked for being active in the union, established in November 2010 to help journalists with legal expenses and to ensure their labour rights.⁸² In 2016 Macedonian media reported about establishing of a new journalists' union saying that the members would be journalists from media outlets close to the ruling party. This concept is similar to the case of AJM and MAN and the assumption for the timing of the 'contra union' are the on-going talks for the media reform and introduction of a draft Collective agreement by the

Independent Union of Journalists and Media Workers that is expected to be supported by the media outlets.

Self-regulatory bodies in some of the countries are the newest forms of voluntary independent organisations which gather associations of publishers, media owners and journalists. They are established to maintain high standards of ethics in journalism and to observe the compliance with the codes of ethics as well as to decide upon complaints received by affected individuals, organisations or institutions.

So far these bodies have achieved quite positive results in their countries, although they continue to face their biggest problems: media do not regularly publish the complaints commission's decisions or, if sanctioned, publish critical commentaries about the Council itself and the individuals in its bodies. This was particularly the case in Serbia where members of Press Complaints Committee and Press Council itself was subject to a series of smear articles in mainstream national daily Politika that disagreed with its decision.⁸³

A.5 What is the level of legal protection of the journalists' sources?

The confidentiality of journalists' sources is guaranteed in the legislation. However, there were several attempts of the authorities to request from journalists to disclose their source without court order or without justification that protects the public interest.

In Kosovo, several cases of journalists who were pressured to reveal their sources, without court order were recorded. Concrete examples show that the confidentiality of journalists' sources of information is not respected. In December 2013, Faton Shoshi, journalist of the Indeksonline portal was contacted by a senior official from Kosovo's Intelligence Agency (KIA), who threatened Shoshi after he published an article related to KIA's director. The journalists reported the case to the police in August 2014 and the prosecution in Pristina issued an indictment against the KIAs official⁸⁴. There is another

81 Marijana Camovic, "Indicators on the level of media freedom and journalists' safety (Montenegro)", p.23.

82 Ljubica Dimishkovska Grozdanovska, Nations in Transit 2012: Republic of Macedonia, Freedom House: 2016, Accessed on September 15, 2016: <https://freedomhouse.org/report/nations-transit/2012/macedonia>.

83 "Skrozza: The text in Politika pressure on the Press Council" (Skrozza: Tekst u Politici pritisak na Savet za štampu), TV NI, February 29, 2016, Accessed December 15, 2016: <http://rs.n1info.com/a139079/Vesti/Vesti/Skrozza-Tekst-u-Politici-pritisak-na-Savet-za-stampu.html>

and Antonela Riha "A minor murder of the Press Council" (Malo ubistvo Saveta za štampu), Cenzolovka, February 29, 2016, Accessed September 15, 2016: <https://www.cenzolovka.rs/misljenja/malo-ubistvo-saveta-za-stampu/>

84 Petrit Qollaku, "Indicators on the level of media freedom and journalists' safety (Kosovo)", p.26.

Table 6: Have you ever been refused by public authorities in acquiring access to public information?

%	Serbia	Macedonia	Kosovo	Montenegro	BiH
I have never required access to public information	25.2	29.0	7.1	22.2	43.0
I have required access to public information and I have never been refused	20.7	6.0	10.7	31.5	33.3
I have required access to public information and I have been refused	42.3	28.0	78.6	37.0	23.2
Don't know	8.2	7.0	0.0	3.7	0.5
Refused to answer	3.6	29.0	3.6	5.6	0.0

case from Kosovo – in April 2015, director of Financial Investigation Unit (FIU) threatened Astrit Gashi, journalist of the Blic portal, by telephone after the portal published a leaked confidential document of FIU.⁸⁵

One of the known cases in Serbia is related to the web site Teleprompter⁸⁶ which published a transcript of an intercepted conversation between the leader of the Democratic Party and the representative of the company Continental Wind Partners. The transcript revealed that the Director General of the Public Enterprise “Elektromreza” of Serbia (the Prime Minister Vucic best man at the wedding) attempted to blackmail the representatives of the company, asking for 2 million euro to provide the necessary operating permit. The Police requested from the Editor in Chief of Teleprompter to disclose the source of information twice. After he had refused to do so, his professional status of a journalist was challenged and, thus, his right to protection of sources.

In Macedonia, legal provisions were misused to imprison a journalist – Tomislav Kezarovski, journalist of the newspaper Nova Makedonija received a four and a half year prison sentence for allegedly revealing the identity of a protected witness in 2008. This verdict was brought by the court 5 years after the text published in a small paper, not known to the wider public. The case of Kezarovski become globally known and has been pinpointed by many international organisations as serious restriction to freedom of expression.

In Montenegro, there were cases of direct pressure on journalists to reveal their sources of information. Sometimes journalists were under illegal surveillance or their e-mail correspondence was intercepted. Such example is the case of journalist Veseljko Koprivica, from whom the court had asked to disclose the source of information on several occasions. Also, in 2012 the Supreme State Prosecution asked from the editor in

chief of the daily Dan to reveal his source of information in the published investigative story about the privatisation of the biggest telecom operator in Montenegro.⁸⁷

The police in BiH pressured the internet portal Klix from Sarajevo to reveal its source in a video story which revealed that the Prime Minister of Republika Srpska talked about ‘buying’ members of the National Assembly. In December 2014, police entered the editorial office of Klix searching for the video recording that was published by the news portal.⁸⁸

A.6 What is the level of protection of the right to access to information?

Access to official documents and information is legally guaranteed in all countries, but their provisions are not helpful to journalists – the journalists report about high number of refusals.

All five countries have adopted laws on free access to public documents and information and have established independent bodies to supervise the implementation of these laws. Each individual can file a complaint to these bodies, if his/her request for information or document is refused by a public institution. These laws do not contain specific provisions that would facilitate the access to information for journalists and the deadlines that oblige institutions to provide the required information for journalists are too long.

⁸⁵ Ibid, p.26.

⁸⁶ Marija Vukasovic, “Indicators on the level of media freedom and journalists’ safety (Serbia)”, p.28.

⁸⁷ Esad Krcic, “Crna Gora: Ko je otkrio tajne podatke u aferi Telekom.” [Montenegro: Who has revealed classified data in the affair Telekom], Radio Slobodna Evropa, August 17, 2012. Accessed September 19, 2016: <http://www.slobodnaevropa.org/a/crna-gora-ko-je-otkrio-drzavne-tajne-u-aferi-telekom/24680226.html>

⁸⁸ Rea Adilagic, “Indicators on the level of media freedom and journalists’ safety (Bosna and Herzegovina)”, p.22.

Table 7: How much transparency is demonstrated by the governments?

%	Serbia	Macedonia	Kosovo	Montenegro	BiH
Complete transparency	0.0	1.0	7.3	3.7	3.9
A great deal of transparency	6.3	3.0	0.0	9.3	4.4
Some transparency	24.3	21.0	41.0	50.0	27.5
Little transparency	38.8	25.0	37.0	9.3	29.0
No transparency at all	21.6	21.0	11.1	7.4	31.8
Don't know	8.1	4.0	3.6	7.3	2.9
Refused to answer	0.9	25.0	0.0	13.0	0.5

Table 8: How much transparency is demonstrated by the political parties of different countries?

%	Serbia	Macedonia	Kosovo	Montenegro	BiH
Complete transparency	0.0	4.0	0.0	5.6	3.9
A great deal of transparency	1.8	9.0	7.4	14.7	5.8
Some transparency	25.2	28.0	22.2	44.4	27.5
Little transparency	37.9	32.0	44.4	13.0	28.5
No transparency at all	27.9	10.0	22.2	5.6	29.0
Don't know	6.3	1.0	3.7	3.7	4.8
Refused to answer	0.9	16.0	0.0	13.0	0.5

Table 9: How much transparency is demonstrated by the Parliaments in different countries?

%	Serbia	Macedonia	Kosovo	Montenegro	BiH
Complete transparency	7.2	1.0	7.4	14.8	19.3
A great deal of transparency	14.4	7.0	22.2	31.5	73.0
Some transparency	43.3	32.0	44.4	25.9	4.8
Little transparency	16.2	25.0	18.6	3.7	0.5
No transparency at all	5.4	6.0	3.7	0.0	0.5
Don't know	12.6	4.0	3.7	9.3	1.9
Refused to answer	0.9	25.0	0.0	14.8	0.0

Table 10: How much transparency is demonstrated by the Judiciary in different countries?

%	Serbia	Macedonia	Kosovo	Montenegro	BiH
Complete transparency	0.9	3.0	0.0	5.6	29.0
A great deal of transparency	5.4	6.0	3.7	9.3	26.1
Some transparency	24.3	26.0	48.2	29.5	19.3
Little transparency	37.8	25.0	37.0	22.2	7.3
No transparency at all	21.7	25.0	7.4	13.0	14.5
Don't know	9.0	3.0	3.7	7.4	2.4
Refused to answer	0.9	13.0	0.0	13.0	1.4

The survey conducted with journalists from all countries showed that significant number of them does submit requests to the public institutions, but their requests are very often rejected. There is also another practice of some institutions: they usually wait to provide the required information until the last day of the determined deadline. Thus, the journalists might not need the information any more or might give up from investigating the story. In the access laws the deadline is usually 15 days from the day of submission of the request, and if the journalist submits a complaint to the relevant higher body he/she should usually wait additional 30 days for its decision.

The least transparent institutions in the region are the governments, followed by political parties and politicians in general. Parliaments seem to be the most transparent and open to journalists.

It seems that the adoption of national freedom of information laws in all five countries was not followed by appropriate trend of transparency or accountability of state institutions towards the journalists and the wider public. The question of how open and accountable state institutions are to journalists is crucial for a democratic and inclusive society.

Journalists' opinion about the level of transparency of different institutions is very much related to the difficulties they face in getting access to official documents and da-

ta from different institutions. The survey showed that all journalists in the region perceive the governments as least transparent institutions, although the opinions of journalists from Montenegro and Kosovo are slightly more positive towards their governments comparing to those of their colleagues from other countries.

Political parties are also perceived as not sufficiently transparent in all countries, except in Montenegro where the percentage of journalists who think the political parties demonstrate some transparency is quite bigger than in other Balkan states (44.4%).

It seems that the most open institutions for journalists in surveyed countries are parliaments, especially in Bosnia and Herzegovina where most of the journalists think the

Parliament demonstrates a great deal (73%) or complete transparency (19.3%). On the other side, Macedonian Parliament seems to be as the least transparent parliament in the region, because quite lower percentage (8%) of the interviewed journalists thinks that it demonstrates a great deal or complete transparency.

Most transparent judiciary in the region seems to be the one in Bosnia and Herzegovina, where more than a half of the journalists stated that it shows a great deal or complete transparency. In Serbia and Macedonia, the courts are predominantly perceived as little or not transparent at all, while in Kosovo and Montenegro the journalists' opinions about the courts are divided.



B

Journalists' position in the newsrooms, professional ethics and level of censorship

B.1 Is financial position of journalists restricting their freedom?

There is an absence of accurate statistical data concerning the number of journalists and their exercise of labour rights in the regions. Research conducted by independent organisations indicate that poor social and financial status of journalists is a common feature.

Accurate statistical data about the number of journalists in the countries of the region are not available, consequently there are no precise figures concerning their labour status. There are many reasons for this, such as the fact that national statistical agencies simply do not gather that kind of data in a comprehensive fashion or the fact that there is an absence of clear criteria at disposal to these agencies for categorisation of journalism as a profession etc. However, there is a prevalent attitude within the journalist communities in the respective countries suggesting that the lack of data is convenient for governments and for business moguls to disable the gathering of knowledge that would enable resistance to control. Attempts were made by some governments, notably in Skopje and in Belgrade, to inaugurate the so-called 'journalism licences' which, it was claimed, would clearly regulate the work relations in the field and would enable gathering of more precise data on the number of journalists and their labour rights. However, having in mind that some of these governments have demonstrated authoritarian particularities in asserting control on the public sphere, the associations of journalists, as it was the case in Macedonia and Serbia, saw the proposition as a case of deepening of authoritarian control, rather than an attempt to technically simplify the data gathering and the regulation of the field.

Montenegro	
Payed in Euros	%
0–200	1.9
201–300	5.6
301–400	14.8
401–500	24.1
501–600	20.4
601–700	5.6
701–800	7.4
801–900	5.6
901–1000	3.7
>1000	1.9
No answer	9.3

Macedonia	
Payed in Euros	%
0–200	32.0
201–300	16.0
301–400	18.0
401–500	9.0
501–600	3.0
601–700	3.0
701–800	0.0
801–900	0.0
901–1000	0.0
>1000	1.0
No answer	18.0

In lack of precise statistical figures, independent professional and research organisations make efforts to come up with approximate figures that are often inconsistent or even problematic. The research within this project has brought in indications on the labour position and the level of dependency of journalists on business and political power holders (or patrons). In Montenegro on the basis of a data set commissioned by the OSCE⁸⁹ there are a total of 809 journalists spread between 57 media organisations⁹⁰. Out of these, 75% have a regular working contract. The rest of the journalists are either engaged on freelance basis or are working for the respective media organisations without a suitable contract. For the purposes of this project Trade union of media of Montenegro conducted a survey with 54 respondents. Based on these data, journalists' wages, regardless of their contractual status within the media organisations, are quite low but they are still within the range or even higher compared to their colleagues in the region.

One quarter of the respondents is being paid between 401 and 500 euros per month. Around 23% have wages below 300 euros, which is quite a high figure of low income employees working as journalists. Majority of the respondents, around 45% have salaries between 400 and 600 euro. However, according to a research conducted by the OSCE in 2014 on a representative sample, the average mean salary of journalists in Montenegro was 470 euros which was at the time 10 euros less than the average salary in Montenegro.

Only half of the surveyed journalists in Montenegro are receiving payment without any delay each month. The rest experience delays in payment which can sometimes be as long as few months. In one broadcast me-

dia, Radio Cetinje, journalists were owed in total of 52 monthly pays. As soon as the wages were paid, 20 journalists lost their job positions. Research shows that the owners are paying full work insurance for around 70% of the journalists, while 19% of the respondents said that they did not know if their employers pay the insurance. A widely spread practice (around 30% of the respondents said so) is that the wages are being paid in cash by the owners. OSCE research also demonstrates that there is a high level of exploitation of the work force of journalists with almost 7% of them working nine hours per day, 18% working ten hours and 4% of journalists are working 12 hours per day. The overall perception of journalists is that the position of their profession has deteriorated (83%).

In Macedonia, there are partial official data sets concerning the number of journalists in the country. The 2014 data released by the Agency for Audio and Audiovisual Media Services, the broadcasting regulatory body, suggests that there are 2005 media workers employed in the broadcasting industry. This figure however does not differentiate between production, technical and administrative staffs within these organisations. There are no official data concerning the production staff in the print and internet media. The data shown in this table is not representative, so the report on Macedonia draws on previous research conducted by the Union of Journalists of Macedonia.⁹¹ That survey suggests that 59% of the professional journalists have full-time work contracts and that 12% have short-term contracts. The rest 29% of the respondents have either never signed a contract with their employer (11%) or they are repeatedly signing one-off contracts (17%) popularly called contracts per deed (договор на дело). The last two categories are the most vulnerable because they are not covered with social benefits and job security. When it co-

89 OSCE Mission to Montenegro & Center for democracy and Human Rights, *Social Status of Journalists in Montenegro*, Podgorica: 2014. Accessed October 2016: <http://www.osce.org/montenegro/135551?download=true>

90 *Ibid*, p.4

91 Besim Nebiu et al., "Indicators on the level of media freedom and journalists' safety (Macedonia)", p.31.

Serbia	
Payed in Euros	%
0—200	5.41
201—300	13.51
301—400	22.52
401—500	16.22
501—600	7.21
601—700	4.50
701—800	1.80
801—900	2.70
901—1000	0.00
>1000	5.41
No answer	0.00

Kosovo	
Payed in Euros	%
0—200	4.0
201—300	16.0
301—400	14.0
401—500	18.0
501—600	6.0
601—700	16.0
701—800	2.0
801—900	4.0
901—1000	2.0
>1000	0.0
DK	4.0

mes to journalist wages in Macedonia, the survey results suggest that they are lower in comparison to the rest of the countries in the region with 32% of the respondents claiming that they have a salary less than 200 euros and only 7% of the respondents saying that they have a salary higher than 500 euros. Recently, a wave of layoffs took place within the MPM media company (it owns three of the Macedonia's formerly most influential newspapers with most circulation). A series of protests by the journalists warn about poor working conditions in the sector and a low level of job security and workers' rights.

Statistical agencies in Serbia do not hold data concerning the number of journalists in the country. Consequently they have no data concerning their income and social position. However, a recent poll⁹² has indicated that 72% of the journalists in Serbia have permanent working contract, 16% have temporary contracts and 12% have no contracts. Only the first category is consisted of employees who have regular social security tax paid. However, for the last two categories amounting to 28% of the respondents the social benefit coverage is either inconsistent or they completely lack it. In the survey conducted for the purposes of this project around 23% stated that they have a salary of between 300 and 400 euros. There is high percentage of journalists (19%) who receive less than 300 euros. Only 9% of the respondents said to have been paid between 600 and 1000 euros and 5.4% have salaries of more than 1000 euros. Most of the respondents of the last categories are editors. This is a characteristic of all the observed country cases – the editorial staffs earn disproportionately more than the journalistic staff. A survey conducted by the Union of Journalists in Serbia⁹³ suggests that one third of the journalists in the country are working more than eight hours per day. Overtime is paid le-

ss in commercial media and 7% of the journalists do not have a single day off per week while 24% have only one day off. These are the reasons the survey has shown that around 76% of the respondents have indicated that the position of journalists in Serbia has deteriorated.⁹⁴

Comprehensive study of the social status of journalists in Kosovo has not been conducted so far. However, in coordination with the Kosovo Journalist Association, the Executive Agency of Labour Inspection (EALI), recently conducted an inspection of 34 media organisations reviewing the working contracts of the employees and the safety and health at work.

The inspection involved reviewing of contracts and working conditions of around 1900 employees most of whom journalists. It was found that 153 employees were working for a long time on a specific contracts and not permanent ones, while 21 employees lacked contracts of any kind. In one third of the inspected cases the inspectors found that media organisations did not compensate journalists' overtime work. With respect to the social and health benefits it was found that 782 employees were not subjected to the regular medical checks. It is unclear what is the percentage of journalists who have no social and health benefits at all. During the survey for the purposes of this project, around a half of the respondents who have 5 or more years of journalistic experience said that there had been no change in the working conditions in the media organisations and 33% answered that it had somewhat deteriorated.

Without exception, the poor status of journalists brings into motion a chain of dependencies upon other power actors. This, in turn, restricts journalists' freedom of expression and hinders pursuit for

92 Marija Vukasovic, "Indicators on the level of media freedom and journalists' safety (Serbia)", p.34.

93 *Ibid*, p.34.

94 It should be noted that the majority of journalists who were interviewed with the survey were not freelancers but individuals who are employed in the media outlets on a regular basis.

topics of public importance. The chain of clientelistic dependencies is not a particular feature of the media sector in these states – it is a result of the wider relations of the political system and the political culture.

Data gathering in Bosnia and Herzegovina is even a harder endeavour than in the rest of the countries because of its political arrangement. The institutions in the federal units and the cantons do not communicate data to each other. Partial data from Bosnia and Herzegovina⁹⁵ suggests that between 34% and 40% of journalists do not have appropriate work contracts. It is common that the employers do not pay the full amount of insurance and benefits even to the journalists who have permanent working contracts – they would pay taxes based on minimum wage and give the rest of the money to the journalists in cash without paying the taxes and the social benefits on that amount. The rights and obligations of journalists are often not clearly stated in their working contracts.

A common feature in all the countries, regardless of the variance in the absolute number of journalists, is that the labour conditions for the production staff are perceived to be low. The survey results indicate that Montenegro and Serbia are better environments when it comes to signed contracts of journalists. However there, as in other countries in the region, the conditions are generally poor as there is plenty of space for manipulation by the media owners. Interviews conducted with journalists also indicate that there is a general view that the working conditions are deteriorating and that that is used by political actors and media owners to curtail media freedoms in the respective countries. In general, working conditions of journalists are used to hinder freedom of expression in these countries.

Not only the issue of the position of journalists and their freedoms is a problem within the media landscapes, but also the capability of journalists associations in the region to gather the appropriate data and get a clear, precise and comparable knowledge of the situation regarding this indicator is problematic. This endeavour has revealed that the organisations are not gathering the data on the social and financial position of journalists regularly which makes it hard to analyse trends. It has also revealed that the data that they gather is partial, on a sample that is not representative, and cannot be used for more precise conclusions. The research has revealed that the associations from respective countries have not harmonised the categories for the data gathering process so as to be able to compare the figures and draw some comparative conclusions. There is no esta-

BiH	
Payed in Euros	%
0–200	0.00
201–500	24.15
501–700	62.80
701–900	4.83
>900	8.21
No answer	0.00

blished procedure to tie the finds of the economic and social position of journalists to the level of the restriction of their freedom.

B.2. What is the level of editorial independence from media owners and managing bodies in private media organisations?

Even though most private media organisation have complied with respective country's legal requirements concerning occupational specification and systematisation, the adoption of internal acts which would regulate the demarcation of the position of media owners from the managerial staff, as well as from the news production staff, are still lacking.

Most private media organisations in the region have met formal requirements of the respective country's legal framework regarding their organisational structuring. With very little variance between country cases media organisations, especially the larger ones have, in compliance with the law, separated the managerial from the news production departments. A common feature in these countries is also that most of the smaller media organisations, especially those emerging on the internet, do not comply with these rules. Among other things, this is due to the fact that most of these news outlets have one or two staff members producing the content and that working conditions in the internet outlets are still a legislative grey zone in these countries.

However, both larger and smaller organisations in the region, with some exceptions, have not embraced special internal rules in order to separate the working positions within their structures – thus the formal-legal demarcation does not translate into an actual operational separation. Two issues are of consequence here: Firstly, since media organisations do not adopt internal rules, the authority and the responsibilities of different positions get blurred – journalists often do not react to instances of transgression of authority in the part of the owners or the managerial staff to the news production process. Owners often treat the production process in

⁹⁵ Rea Adilagic, "Indicators on the level of media freedom and journalists' safety (Bosna and Herzegovina)", p.28.

the media as a production process in any factory, undermining the idea of public interest. At times blurring of the production and administrative positions puts journalists in a position of making ties with businesses, corporations and the likes – serving as advertising pitchers for the media organisation. Secondly, since these informalities and clientelism are deeply and widely interwoven in these states' political cultures, this blurring of the rules makes it easier for these relations to persist undermining journalists' independence.

General Codes of journalists' ethics are present in all case countries. These codes, however, are not detailed documents – they merely serve as short universal ethical premises, rather than detailed situational guidelines for journalists' conducts in every situation. Also, these codes only partially address the issue of the demarcation between business, politics and the production process. In all of the countries these general codes are envisaged as a basis each media organisation should build upon. However, most media organisations, mostly private ones, have never adopted such a document. In addition, in country by country analysis it can be seen that there are inconsistencies in the available data for these which signals that a more systematic data gathering process has to be adopted by journalists associations and their partners.

It is prevalent that newsrooms in the region have not adopted specific codes of ethics for their own purposes, but are reliant on the minimal and general codes provided by journalist self-regulatory organisations.

In Montenegro⁹⁶, private media have not adopted particular ethical codes that would self-regulate the delineation between the production sectors, administrative sectors and ownership. The Code of Journalists of Montenegro makes some general remarks on this separation, but they are not sufficient for every particular case. Though most of media there have their ombudsman, these positions are mostly concerned with the ethics of the produced content rather than the relations within the news outlet. Though direct pressures are not reported, still most of interviewed journalists point out that self-censorship is the norm in this media setting. In Macedonia too there is a general Code of Ethics of Journalists signed by majority of media organisations and journalists in the country. However, with the exemption of the public service, there are no media that have separate ethical codes. There is a prevalent attitude in most of the interviewed journalists that even if such rules existed, they would not be respected because of the clientelistic ties journalists are intertwined with. This is the very reason, they believe, that criticism of the

advertisers or the government is a rarity. Based on the report from Kosovo, there are very few media outlets that have adopted internal codes of ethics. Others comply with the general code of ethics compiled adopted by the Press Council of Kosovo⁹⁷ for print media. Private broadcasters comply with the general code of ethics of the Independent Media Commission. In Serbia⁹⁸ there are almost none of the media organisations with internal rules and documents that would stipulate the relationship between the owners, managers and the newsroom. There are no such legislative acts, nor such self-regulatory mechanisms. There is a general rule that has been confirmed by the interviews that were conducted for the purposes of this project that is that the influence of owners on the editorial staff and by implication on the journalists is high. Finally, in Bosnia and Herzegovina⁹⁹ in general the newsrooms are not separated and independent even though there is a formal separation of these sectors. In part of the private media there are internal rules on the preservation of editorial independence. However these rules are often written in vain.

This setting within the newsrooms of private media in these countries allows for a variety of misconduct by media owners and political actors starting from bullying and ending with loss of jobs with no reasonable ground for that. In fact, the most common pressures that owners and managers exert come from the leverage they have over journalists concerning the stability of their work positions and their salaries. However, more sinister types of pressures are the political pressures as they bring about a wider social problem – the colonisation of the public sphere.

B.3. What is the level of editorial independence of the journalists in the PSB?

There is a low level of editorial independence of the PSBs in the region, despite internal and external pressures applied to political establishments to construct independent public service media. Most of the PSBs in the region have adopted their own Codes of Ethics and have clear statutory provisions on independence. In reality this does not translate into actual independence.

⁹⁶ Marijana Camovic, "Indicators on the level of media freedom and journalists' safety (Montenegro)", p.32.

⁹⁷ Petrit Qollaku, "Indicators on the level of media freedom and journalists' safety (Kosovo)", p.33.

⁹⁸ Marija Vukasovic, "Indicators on the level of media freedom and journalists' safety (Serbia)", p.35.

⁹⁹ Rea Adilagic, "Indicators on the level of media freedom and journalists' safety (Bosna and Herzegovina)", p.29.

The Public Service in Macedonia¹⁰⁰ has an obligation springing from article 83 of its Statute to abide by the Code of Ethics. The Macedonian Radio Television adopted such a document in the middle of a major political crisis in November 2015. The document was introduced out of the joint efforts of the PSB, the BBC and the Macedonian Institute for Media, local media assistance NGO. The PSB has a set of internal organisational rules to keep the newsrooms independent from managing bodies. However, these are of formal nature only. The Statute is accompanied with variety of rules concerning internal organisation, workers' rights, protection at work etc. However, these are not respected. There are two generally adopted sorts of pressures applied against the journalists of MRT – the low wages and the threat of being pushed into irrelevance in the newsroom.

In Montenegro¹⁰¹ too, the PSB has its own Code of Ethics that regulates the conduct of the managerial bodies and the production staff, as well as the principles of advertising on the programmes of the RTCG. The Statute of RTCG stipulates independence of the journalists and the editorial staff. There are also concise rules concerning the position of the journalists and clear rules on how their position can be changed. While there is a formal independence of journalists from political and managerial pressures within the PSB, there is a prevalent view among the interviewed journalists that these formal rules are not respected and that there is a significant influence of political structures.

RTS in Serbia and RTV in Vojvodina¹⁰² do not have production process ethical codes but have adopted codes of employees. The statute of RTS stipulates the internal organisation of the public service and on top of that there is an act for systematisation of work obligations the same counts for RTV Vojvodina. The statutes of these two organisations state that the position of the editor is incommensurable with other public functions. Also, in Serbia editors and journalists are formally independent in their work. However, the practice says otherwise. Pressures from the part of the Executive Board have been reported by journalists and editors in the Public Service. In addition political actors apply pressure – for example the Prime Minister Vucic himself would call and comment on how PSB journalists should report the news.

The Public Service Broadcasters in Bosnia and Herzegovina¹⁰³ have adopted codes of journalists con-

duct and codes of editorial independence. In practice, however, journalists in the PBS work under an immense pressure. The public broadcasters also have internal rules that stipulate the demarcation between the managerial staff owners and journalists. Finally, in Kosovo¹⁰⁴ PBS has its own code of conduct named “Professional standards and ethical principles in programs of RTK”. However, majority of the interviewed journalists claim that the code is poorly implemented in practice by RTK’s journalists due to active political interference directly at editorial policy. One journalist commented: “I have studied the RTK’s internal rules and the code of conduct and I consider it contains advanced standards. Unfortunately, those are not implemented by journalists and the reason is simple. It’s the impact of politics at public broadcaster.” Another journalist said: “RTK does not have independence. There are editors that are servants to politicians. There was a case when an editor sent a sms which said: ‘Chief did you like the story?’”. Despite having internal standards, the management of Radio and Television of Kosovo (RTK) has been publicly criticised many times for interfering in the work of editors.

B.4 What is the level of editorial independence of the journalists in the non-profit sector?

Fully fledged not-for-profit media are relatively new phenomenon in the region. The internet not-for-profit sector is thriving and proliferating, even though in terms of organisation they are underdeveloped. Most of these media are small project made by local NGOs and the working conditions in these are far better in traditional media. With respect to workers' rights however, there are not-for-profit media that exist in a grey zone.

Fully fledged not-for-profit media are relatively new phenomenon in the region. The internet not-for-profit sector is thriving and proliferating, even though in terms of organisation they are underdeveloped. Most of these media are small project made by local NGOs and the working conditions in these are far better in traditional media. With respect to workers' rights however, there are not-for-profit media that exist in a grey zone. Some of the not-for-profit media such as BIRN have international value and respect the working conditions.

In Bosnia and Herzegovina there are few non-for-profit media – Radio Maria, a Catholic radio from Banja Luka,

100 Besim Nebiu et al., “Indicators on the level of media freedom and journalists’ safety (Macedonia)”, p.34.

101 Marijana Camovic, “Indicators on the level of media freedom and journalists’ safety (Montenegro)”, p.33.

102 Marija Vukasovic, “Indicators on the level of media freedom and journalists’ safety (Serbia)”, p.36.

103 Rea Adilagic, “Indicators on the level of media freedom and journalists’ safety (Bosna and Herzegovina)”, p.30.

104 Petrit Qollaku, “Indicators on the level of media freedom and journalists’ safety (Kosovo)”, p.35.

radio Vesta and radio Otvorena Mreza from Tuzla¹⁰⁵. A trending moment in Bosnia, as in other countries from the region, is the nongovernmental organisations that have own internet portals for production of news content. Bosnia's Zurnal, Analiziraj.ba, CIN and BIRN Bosnia exist from foreign donations and as such they are under pressure from outside and are frequently called "foreign mercenaries".

The non-profit media in Kosovo¹⁰⁶ comply with the general Code of Ethics for print and audio-visual media. Some have internal codes of conduct. A number of non-profit media organisations in Kosovo are funded by international media organisations, foreign governments, embassies and the European Commission and other EU institutions. There are few not-for-profit organisations such as Balkan Investigative Reporting Network (BIRN), Cohu and Kosovo Law Institute that focus on investigative journalism. Those media cover issues such as the justice system, public spending and corruption. The non-profit sector of media stands better in relation to finances having in mind that they function solely based on donations. The non-profit sector has been smeared with allegations on questionable financing and sources. Some organisations have also been attacked. In the night of June 11, 2015, the Serbian language portal Kossev, located in the northern part of Mitrovica, was attacked with gun shots by unknown person. Windows and outside walls of the building where hit. Kosovo police found nine weapon shells near the office. No human injuries reported. The motive of the attack is unknown. In September 2016 in Macedonia's the non-profit broadcasting sector there were only three¹⁰⁷ licensed radio stations in the country established at the main universities. They broadcast programs aimed at and produced by students. Although there is a number of media that function under NGO registration regime in the online media sphere, there hasn't been any separate analysis of their work and the status and independence of journalist in their newsrooms. In Serbia¹⁰⁸ non-profit media are also rare. Though traditional non-profit media like the Serbian Science TV are almost non-existent, there is a trend as in Macedonia and Bosnia – online non-profit media, like Centre for investigative journalism of Serbia (CINS), Network for the investigation of corruption and crime (KRIK), Cenzolovka etc. are actually NGOs projects. As such they suffer orchestrated smear campaigns against them by pro-government and most read dailies who are accusing their journalists of being foreign

mercenaries and attempting to discredit them professionally.¹⁰⁹

B.5 How much freedom do journalists have in the news production process?

Censorship is not directly exerted on journalists, but rather through a complex and invisible net of interconnections of many different factors. It seems that rather than self-censorship (and not open censorship) is the major problem for journalism in the region and it can be exerted through many different types of long-term pressures.

Journalists' responses about the extent to which censorship directly influences their daily work vary from country to country. Journalists from BiH indeed perceive censorship as their big problem, since most of them stated that censorship is very or extremely influential on their work. It seems that in the other countries censorship does not affect directly journalists' work, because the percentages of the respondents who stated that it has some influence on their work (somewhat, very and extreme) are lower. When combining these data with the responses to other questions in the survey and with the information gathered from qualitative interviews, it can be concluded that censorship is not always directly exerted on journalists, but rather through a complex and invisible net of interconnections of many different factors. It seems rather that self-censorship (and not open censorship) is the major problem for journalism in the region and it can be exerted through many different types of long-term pressures.

Asked about their opinion on the level of freedom they have in their daily working practices (Table 12), journalists from all countries report relatively greater individual freedom, comparing to what they claim in general about the level of censorship. For example, in each country more than a half of the journalists interviewed state that they have complete or great deal of freedom while selecting stories they work on, or in deciding which aspects of the stories should be emphasised.

On the other hand, when asked about the level of influence of different individuals on their daily work (Table 13), it seems that the individuals who are closer to the journalists have much more influence on their reporting than those with whom they do not have regular contact.

105 Rea Adilagic, "Indicators on the level of media freedom and journalists' safety (Bosnia and Herzegovina)", p.31.

106 Petrit Qollaku, "Indicators on the level of media freedom and journalists' safety (Kosovo)", p.36.

107 Source: Register of the Agency for Audio and Audiovisual Media Services. Accessed on 20 September, 2016: http://www.avmu.mk/index.php?option=com_content&view=article&id=1150&Itemid=343&lang=mk

108 Marija Vukasovic, "Indicators on the level of media freedom and journalists' safety (Serbia)", p.37.

109 Chronology of attacks on KRIK and BIRN. Accessed on December 15 2016: <https://www.krik.rs/napad-na-krik/> – <http://birn.eu.com/en/page/birn-under-fire>

Table 11: How influential is censorship on journalists' work?

%	Serbia	Macedonia	Kosovo	Montenegro	BiH
Extremely influential	10.8	19.0	10.0	16.7	51.2
Very influential	12.6	19.0	18.0	13.0	31.4
Somewhat influential	18.0	15.0	30.0	24.1	14.5
Little influential	18.0	16.0	12.0	13.0	0.5
Not influential	38.7	9.0	28.0	33.3	0.5

Table 12: How much freedom do journalists have in selecting stories (1) and in deciding which aspects of the stories (2) should be emphasized?

%	Serbia		Macedonia		Kosovo		Montenegro		BiH	
	1	2	1	2	1	2	1	2	1	2
Complete freedom	27.9	31.6	21.0	32.0	32.0	38.0	22.2	29.6	25.1	58.9
A great deal of freedom	29.7	31.6	36.0	39.0	28.0	14.0	35.2	31.5	29.5	31.4
Some freedom	31.6	30.6	24.0	16.0	32.0	44.0	35.2	31.5	16.4	4.8
Little freedom	7.2	5.4	11.0	4.0	8.0	2.0	5.6	5.6	6.3	1.4
No freedom at all	1.8	1.8	3.0	3.0	0.0	0.0	1.9	1.9	14.5	2.5
Don't know	0.0	0.0	0.0	0.0	0.0	2.0	0.0	0.0	6.8	1.0
Refused to answer	1.8	0.0	6.0	6.0	0.0	0.0	0.0	0.0	1.4	0.0

Table 13: The level of influence different individuals have on journalists' work: (1) extremely and very influential and (2) somewhat influential.

%	Serbia		Macedonia		Kosovo		Montenegro		BiH	
	1	2	1	2	1	2	1	2	1	2
Editorial board and supervisors	39.6	36.9	25.0	28.0	34.0	50.0	38.9	44.4	92.3	4.8
The managers of news organisations	26.1	22.5	24.0	16.0	14.0	30.0	27.8	35.2	70.5	7.7
The owners of news organisations	20.7	21.6	29.0	10.0	22.0	20.0	27.8	27.8	74.9	17.4
Government officials	12.6	13.5	25.0	21.0	4.0	10.0	7.5	20.4	41.1	48.3
Politicians	15.3	17.1	21.0	26.0	6.0	8.0	3.8	16.7	44.9	48.3
Business people	6.3	16.2	16.0	22.0	0.0	4.0	7.4	11.1	18.9	40.1

ct. Thus, it appears that the editors have the greatest (and probably most direct) influence on the journalists', followed by managers and owners of news organisations, while the government officials, politicians and business people have less (or probably indirect) influence on journalists' reporting.

On the basis of the survey for this project conducted in Kosovo¹¹⁰ there is a prevalent view that the daily agenda setting and the angle of covering of particular stories is entirely decided by the editorial staff and imposed to the journalists. Journalists were asked to grade variety of factors that influence their daily work – 50% of the respondents claimed that the editorial staff has somewhat influence on their work, 20% said that the editors are very influential and 14% said that they are extremely influential. When this figure is compared to the respective influence of media owners and politicians it follows that there is relative freedom of media staff in Kosovo to determine the content of their programs – 70% of the respondents said that politicians have no influence whatsoever on their work and 62% said that state officials have no influence. These figures are quite the opposite from the figures brought out by journalists from other cases in the region. According to the survey 66% of journalists said that media business does not have any influence over their work. However, the owners of the media they work for exercise some more influence, yet that too is a low percentage in comparison to other cases – around 50% claim that there is either no influence or little influence. In addition 30% of the respondents said that there is somewhat censorship on their work. This is a still high number of respondents claiming that there is censorship.

In Montenegro¹¹¹ there is a prevalent view that there is widespread censorship and self-censorship among journalists in the country. The soft pressure exercised through economic and social dependencies is all pervasive and most effective. The same variables checked in Kosovo are somewhat stronger in Montenegro with 54% of the respondents claiming that there is widespread censorship. According to the report based on the survey in Montenegro, 83% of the respondents said that their editors are influential, with 14.8% claiming that they had extremely high influence on their stories choice and agenda for the day, 24.1% stating they had a high influence and 44.1 saying that they had somewhat influence. They stated that the managers of the media exert influence – 63%, with 13% claiming that they have extreme influence and 14.8 that they have somewhat influence on their work. There is a relatively high percentage of journalists who claim that there is no influence

of political officials (53%) or political actors (50%) on the process of news production.

In Macedonia¹¹² most of the interviewees see widespread censorship and self-censorship, as well as other forms of pressure, affecting the work of Macedonian journalists. According to the media expert Sefer Tahiri "very few journalists publicly admit censorship or pressure, while self-censorship is widespread and is the main obstacle of journalist to perform their duty"¹¹³. Sonja Delevska, a journalist confirms this conclusion, adding that "censorship is admitted in public gatherings and in general terms, without specifically examples from real life"¹¹⁴. When it comes to the influence of the editors in charge, 53% of respondents find that they are somewhat-to-very influential, and 28% that they have little or no influence to the work of the journalist. These percentages are higher when compared even with those of news owners and managers which may mean that the point of influence for the journalists is exercised through the editorial staff in the newsroom. The lack of rules for independence is blurring the internal structure and often leads to blurring of responsibilities hindering some important pillars of moral and self-regulatory codes of journalists (i.e. journalists are at times transformed into businessmen who have to bring advertising in the programming, rather than being guardians of the quest for truth).

110 Petrit Qollaku, "Indicators on the level of media freedom and journalists' safety (Kosovo)", p.37.

111 Marijana Camovic, "Indicators on the level of media freedom and journalists' safety (Montenegro)", p.34.

112 Besim Nebiu et al., "Indicators on the level of media freedom and journalists' safety (Macedonia)", p.34.

113 *Ibid*, p.34.

114 *Ibid*, p.35.



C.1 Safety and Impunity Statistics

The states' institutions are disinterested in gathering and analysing data concerning verbal or physical assaults on journalists, editors or other media organisations' staff. The independent journalists associations in the respective countries are often the only ones that are gathering the data. However associations neither have the knowledge nor the technical tools to engage in consistent and comprehensive data gathering.

Respective statistical agencies and offices within the states' ministries of Justice or Internal Affairs do not hold specific records concerning variety of reported attacks on journalists, editors or other media organisations' staff. In some cases, though official records exist, they are partial and the institutions are keeping them away from the public, regardless of national legislation on freedom to information access. The journalists' associations themselves are in most cases the only entities which are committed to gathering and analysing data concerning reported attacks. This too carries variety of problems because the associations are often not sufficiently (technically and knowledge-wise) equipped to keep consistent records. This consequently disables a comprehensive historical (within case) or comparative (between cases) analysis.

Serbia types	2013	2014	2015	2016
Threats	15	15	28	11
Physical attack	6	11	12	4
Political pressure	0	8	13	11
Attack on property	2	2	4	1
Arrest				
Total	23	36	57	27

Macedonia types	2013	2014	2015	2016
Threats	N/A	1	7	2
Physical attack	N/A	1	6	3
Attack on property	N/A	2	3	1
Arrest	N/A	1	0	0
Total	N/A	5	16	6
Total	23	36	57	27

In Bosnia and Herzegovina¹¹⁵ a line for help to journalists is in place and the statistical data is based on the number of reports made by the journalists themselves. Also, the office of the OSCE has been known to gather part of the data concerning the reported attacks or threats. The records in Montenegro are drawn from the official police figures and no data is held by the association of journalists in that country. The Independent Journalists' Association of Serbia has been keeping a record of the reported attacks in that country since 2008 and the Association of Journalists of Macedonia has been recording such cases since 2011. In Kosovo¹¹⁶, no state institution publishes data regarding attacks on journalists, but Kosovo Police has recently started to prepare a special list of threats and attacks against journalists. However, in almost all cases the data is not consistent and the finds can only be considered partial. The partial data are still informative of some trends with respect to verbal and physical attacks on journalists, editors and other media workers in the region.

On the basis of the partial data, collected by the national journalists' associations, it can be concluded that the trend of verbal attacks of journalists is on the rise in Macedonia and Serbia. In all countries a small rise in the cases of physical attacks is witnessed in 2015. Though in the past four years there are no reported cases of obvious murders of journalists, there are a few cases of unclear circumstances of journalists' deaths.

In the past four years there have been no recorded murders of journalists in these countries – this has rather been the case during the wars and political turmoil in the 1990s. In the years prior to 2001 three murders of journalists were recorded in Serbia. In 1994 Radislava Dada Vujasinovic, a journalist for the Duga magazine was found dead in her apartment. Even though the authorities claimed it was a suicide, the subsequent evidence suggested otherwise. Vujasinovic had been investigating the activities of the war-lord Zeljko Raznatovic Arkan at the time. Furthermore, in 1999 a journalist and the owner of the newspaper Dnevni Telegraf, Slavko Ćuruvija was

murdered and finally in 2001 Milan Pantić – a journalist of Večernje Novosti newspaper. During the war in Bosnia and Herzegovina 1992-1995 there were 45 recorded cases of killings of journalists in this country, 38 of which were domestic journalists. In 1999 an attempt was made on the life of Zeljko Kopanja, the founder of Nezavisne Novine from Banja Luka. Kopanja lost both of his legs in the car bomb incident but survived the attack. Though in Macedonia there have been no recorded obvious cases of murders of journalists, the case of the founder of the Fokus weekly and its journalist Nikola Mladenov in 2013 is still of interest to the public. The case has been closed as a car accident, but a recent intercepted communication between the former minister of the interior and former secretary in the ministry suggest that are important evidence that had not been taken into account in the investigation. In Kosovo, there were 3 registered murders of journalists in the past 15-20 years (2000, 2001 and 2005)¹¹⁷, and none of them has been resolved so far. The first murdered journalist was Shefki Popova, from the daily newspaper Rilindja, who was shot near his home by two unidentified persons. The second case was the murder of Bekim Kastrati, journalist of the daily newspaper Bota Sot who was killed in a car accident in 2001. In 2005 – a journalist who also reported for Bota Sot – Bardhyl Ajeti was murdered. It is believed that all cases were politically motivated¹¹⁸. In Montenegro, there was one case of a murdered journalist – Dusko Jovanovic, editor in chief of the opposition daily Dan (Day) was killed in a drive-by shooting while he was leaving his office on the evening of May 27 2004.

In order to allow for comparison of data between the country cases and a historical comparison within cases, the methodological guidelines for this regional research adopted the categorisation of the types of attacks on journalists developed by UNESCO¹¹⁹. However, there is no certainty that the data on the types of attacks against journalists in the region are consistent, since the information gathered by journalists' associations do not provide sufficient basis to categorise them according to the

117 Ibid, p.41.

118 Ibid, p.41.

119 UNESCO, *Journalists' Safety Indicators: National level*, Paris: 2015. Accessed February 10, 2016: http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/images/Themes/Freedom_of_expression/safety_of_journalists/JSI_national_eng_20150820.pdf

115 Rea Adilagic, "Indicators on the level of media freedom and journalists' safety (Bosna and Herzegovina)", p.36.

116 Petrit Qollaku, "Indicators on the level of media freedom and journalists' safety (Kosovo)", p.40.

Montenegro types	2013	2014	2015
Threats	2	2	5
Physical attack to journalists or media	0	1	1
Planting an explosive device	2	0	0
Attack on property	2		5
Other/not classified	6	6	4
Total	23	36	57

definitions provided by UNESCO. For example, since journalist associations gathering these data do not have an operational definition of what it means to have a verbal attack, it is not clear if the data from this category from a previous data report corresponds to a later one. Similarly it is not clear whether the data from one country case in the same category means the same thing in another country case. Still, the records from the past four years concerning variety of other forms of attacks reveals a rise in the number of reported incidents.

Threats are the category of cases in which words or other symbolic acts have been used to spread fear and disrupt journalist's professional activities. Threats may or may not lead to a physical assault and they aim at journalist's physical safety, the safety of his/her family, journalist's financial position, his/her social status etc. Majority of cases recorded by journalists associations (as can be seen in the tables to the left) are in fact instances of threat. Figures suggest that there has been a rise in the number of reported such transgressions in most of the countries.

In Serbia¹²⁰, for example, in 2015 there have been 28 reported cases of threats which is an increase by almost a half in comparison to 2013 and 2014. However, the association has also gathered data on a separate category called pressure or 'political pressure' – this category may be regarded as a subcategory of the category threat.

Interviews with journalists in Serbia put special emphasis on the Istinomer – Savamala case. Communal Police, unaware of the camera filming, stopped an interview taking place in front of Savanova restaurant at the disputed Belgrade Waterfront site. They asked journalists to leave the location under the pretext that the owner of the restaurant does not allow filming, although the crew was at the public space reporting about an issue of public interest. When journalists refused to leave, the Communal Police harassed and threatened journalists, finally raising misdemeanour charges. In accordance with his authority, Serbian Ombudsman checked the police records and Istinomer video footage. His

¹²⁰ Marija Vukasovic, "Indicators on the level of media freedom and journalists' safety (Serbia)", p.42.

Kosovo types	2013	2014	2015	August 2016
Verbal threats	10	11	10	2
Physical attack	3	6	2	1
Property – theft and damage	0	0	12	1
Explosives, grenades	1	0	1	0
Attempted murder	0	1	0	0

report states that the Communal Police made 30 procedural violations within 14 minutes. This, and the case of Communal Police, led by its head, Nikola Ristic, confiscating cameras belonging to KRIK reporters, deleting some of their footage and providing false information to the Ombudsman, resulted in Ombudsman (unsuccessfully) calling for Ristic dismissal¹²¹.

An increase in 2015 of the number of reported threats can be witnessed in Macedonia too where 10 cases are categorised as such. The Association of Journalists of Macedonia has recorded the 2015 case that involves a death threat against a journalist critical of the government. In this particular case an unknown party brought funeral wreath to the front door of the journalist's home.

Physical attacks are those categories of cases in which the threat has been executed and there is a physical harm done to the object of the threat. Physical attacks have been recorded in all these countries varying from attacking a journalist on a public place (Macedonia) to planting an explosive device to his property (Montenegro) or to the property of the media (Kosovo).

The data for Montenegro is provided by the Police office, according to different categorisation, so it was difficult to draft comparable conclusions. However, one can notice that there are extreme cases of endangering the life of journalists. Two of them were classified as "causing general danger", i.e. planting an explosive device against the property of Vijesti journalist Tufik Softic and the threats to Blic newspaper journalists Dragoslav Perovic¹²².

From 2013 until August 2016, Kosovo police registered 62 cases against journalists. Most of these cases were verbal threats, but there were also 12 physical attacks and two cases of attacking media with planting explo-

¹²¹ YUCOM Lawyers' Committee for Human Rights: "Serbia's Ombudsman Wants a Belgrade Police Chief Fired for Obstructing Journalists", February 15th 2016. Accessed on December 15, 2016: <http://en.yucom.org.rs/serbias-ombudsman-wants-a-belgrade-police-chief-fired-for-obstructing-journalistsserbian-ombudsman-sasa-jankovic-is-calling-for-the-dismissal-of-communal-police-chief-nikola-ristic-in-light-of-fin/>

¹²² Marijana Camovic, "Indicators on the level of media freedom and journalists' safety (Montenegro)", p.38.

BiH types	2013	2014	2015	2016
Verbal threats	23	18	18	8
Physical attack	2	5	3	5

sive or grenades: in 2015, KoSSev portal in the north of Kosovo was attacked with gun shots and in 2016, RTK was attacked with a hand grenade.

In BiH, from 2013 till September 2016 there were 67 verbal threats and pressures registered, as well as 15 physical attacks.

C.2 Do the state institutions and political actors undertake responsibility for protection of journalists?

Political systems and cultures in the countries of the region are such that taking political responsibility is not considered a virtue. Rather, there are tendencies by which the instances of violence and pressure against journalists are covered up or put low of the agenda of priorities. This, in turn, constructs a culture of impunity and has a chilling effect on journalists.

The professional organisations, associations and unions in the region frequently get frustrated because the state institutions' failure to take responsibility for protection of journalists. A common perception among journalists is that institutions are the ones that are 'sponsoring' threats and violence against journalists so as to nurture a culture of fear among the professionals who need to guard the public interest. Indeed, these partially free countries or states are deemed hybrid regimes.

Specific policies in support of the protection of journalists almost do not exist. Only few positive initiatives were identified in BiH and Serbia. In BiH, the Ministry for Human Rights adopted the Activity Plan for human rights protection, in which one chapter is dedicated to protection of media freedom and journalists' rights, especially in cases of physical attacks and pressures. Also, the Ministry of Justice drafted amendments to Criminal Law to protect journalists who are victims of attacks. In Serbia, a draft Memorandum on measures to raise security levels related to journalists' safety between Republic Public Prosecutor, Ministry of Internal Affairs and journalists' and media associations is being negotiated.

In addition, the policy of the government and political actors to not act upon situations where journalists are attacked or intimidates, show lack of political will to address this issue, as well as some tendency by certa-

in political and state actors to create a climate in which journalist should be fearful of properly and professionally conducting their job. There are almost no documents adopted by state institutions which provide guidelines to military and police prohibiting harassment, intimidation or physical attacks on journalists. In BiH, there are two guidelines for police officers on how to behave towards journalists, adopted 15 years ago and in Serbia, a Memorandum on measures to raise security levels related to journalists' safety is considered an attempt in this direction.

There are no developed state mechanisms (institutions, programmes and budgets) for monitoring and reporting on threats, harassment and violence towards journalists. Reliable data on attacks and threats to journalists are not published. Few positive examples are detected in some countries: in Kosovo, the Police have just started preparing a list of threats and attacks against journalists. In Montenegro, State Public Prosecution and Police administration monitor and keep certain records. In Serbia, Instructions on the evidence of crimes against journalists and attacks on internet sites were adopted in December 2015 and their implementation has already started. All public prosecution offices quarterly submit evidence to the State Public Prosecution which monitors the implementation and keeps records. As part of its regular activities, the Independent Journalists Association of Serbia keeps free legal helpline open to media professionals and records incidents against journalists and media. In BiH, there is only the Free Media Help Line which is established by the BH Journalists Association.

The attacks on the safety of journalists are seldom recognised by government institutions as breaching of freedom of expression, human rights law and criminal law. With some exceptions, public officials rarely give explicit statements in which they condemn attacks on journalists. In cases when that is done, it is mostly declarative, because measures are not undertaken to investigate and find the actual perpetrators.

In all countries, there are no appropriate control mechanisms over the bodies which are authorised to apply electronic surveillance. There were several cases of electronic surveillance of journalists detected in BiH, Montenegro, Serbia and Macedonia, but the most serious example is the one from Macedonia, where the main opposition party published that more than 100 journalists had been subject of illegal surveillance in the last four years. In BiH, the most recent cases include wiretapping of the Oslobodjenje and Dani magazine journalists, upon the order of the former director of the State Security Agency (SIPA) and the case of wiretapping of journalists who were in contact with the former President of BiH Federation and published the transcripts from the conversation with FTV journalist Avdo Avdic. In Macedonia, more than 100 journalists were

subject of illegal surveillance in the period from 2011 till 2015. On behalf of these journalists, the AJM submitted criminal law suits. In Serbia, the most recent case was when the Network for Investigating Crime and Corruption (KRIK) and its editor Stevan Dojcinovic were under electronic surveillance.

In all countries the cooperation between the state institutions with the journalists' organisations (on journalists' safety issues) are almost non-existent. To certain extent, the only positive example is BiH, where good cooperation exists between the Commission for Human Rights of the Parliament, Ministry of human rights and the Regulatory Agency for Communication. At the same time, though pushed by the Action plan for Chapter 23, Serbian authorities showed readiness to exchange data with journalists' association and cooperate in advancing the level of journalists' safety through drafting a Memorandum on measures to raise security levels related to journalist safety.

C.3 Do the criminal and civil justice systems deal effectively with threats and acts of violence against journalists?

States' criminal and civil justice systems are often disinterested in solving the recorded cases of threats or violence towards journalists, editors or media workers. This disinterest does not come so much from the lack of capacity of these institutions. Rather, it comes from the fact that they have been put into the service of private interest – in effect they have been 'privatised'.

State institutions are often disinterested in solving the recorded cases of threats or violence towards journalists, editors or media workers. This disinterest does not come so much from the lack of human resources or technical capacity of these states to deal with the cases. Rather, since the institutions have been 'privatised' to great extent, the culture of impunity is viewed as a state strategy to discourage critical journalism that would investigate and hold in check the interests of political actors or the interests of business actors. There are almost no specific institutions/units dedicated to investigation, prosecution, protection and compensation in regard to ensuring the safety of journalists and the issue of impunity. In Montenegro, there is a Commission for monitoring the activities of the competent authorities in investigation of old and recent cases of threats and violence against journalists, murders of journalists and attacks on media property. In Serbia, there is a Committee on reviewing the facts pertaining to investigations of the murdered journalists.

A common feature in Macedonia, Serbia, Bosnia and Herzegovina, Kosovo and Montenegro with respect to the way the criminal and the civil justice system react to threats and violence against journalists is a general unwillingness of the respective Prosecutors' Offices to enact prosecutions; second, even if they do, there is a prevalent tendency by the courts not to bring the cases to the trial, and thirdly, even if cases come to trial, the trial procedures are slow and are often perceived as non-transparent and unfair. The investigations of crimes against journalists, including intimidation and threats are not investigated promptly and efficiently. The court procedures are very slow. Macedonian Association of Journalists in 2015 has submitted 31 requests for prosecution and none of the cases saw trial because none of them have been put into procedure of the persecution.

No special procedures that can deal appropriately with attacks on female journalists are established, neither are adequate resources provided to cover investigations into threats and acts of violence against all journalists. Quite the contrary – based on information Independent Journalists' Association of Serbia has, two female journalists have been living under 24/7 police protection for years¹²³. The only positive example is from BiH where efficient investigation was undertaken by the Police and Prosecutors Office in Sarajevo in the cases of Lejla Colak (death threats) and Borka Rudic (verbal threats and hate speech) in July and August 2016.

Measures of protection for journalists who were subject to threats to their physical safety are provided only in some cases, but the biggest problem is that the states do not undertake measures to remove the actual threats or to find the perpetrators. For example, in Serbia there are reported four journalists living under 24/7 police protection, some of them more than 5 years. This clearly indicates the inability of the state to neutralise this threat¹²⁴. In addition, real actors or instigators have never been discovered in the cases of Zeljko Kopanja (BiH), Dusko Jovanovic (Montenegro) and Slavko Curuvija (Serbia). In Macedonia, the Deputy Prime Minister was recorded physically attacking a journalist in a public space, the video was published, but the relevant institutions never undertook any measures.

There are no sufficient and appropriate forms of training and capacity building for the police, prosecutors, lawyers and judges in respect to protection of freedom of expression and journalists' safety. Some forms of training were organised in the past years in Serbia, Montenegro and BiH.

123 Marija Vukasic, "Indicators on the level of media freedom and journalists' safety (Serbia)", p. 10
124 Ibid, p.10.



Recommendations for lobbying and advocacy initiatives¹²⁵

Implementation of constitutional and legal guarantees

The role of national journalists' associations (NJAs) is very important for the overall democratisation processes in their respective societies, because the main objectives of journalism entail fostering freedom of expression, defending the public interest and acting as watchdogs of political elites. Therefore, NJAs have to set up their advocacy activities in the broader context: they must be capable of critical observation of the broader political and economic environment, instead of focusing only to the sphere of media and journalistic freedoms. To be an effective agent of social change, NJAs should look for the deeper reasons for their difficult economic position and deterioration of their freedom and independence.

NJAs should persistently bring public's attention to the constitutional and legal guarantees for freedom of expression and journalistic and media freedoms and put pressure on state officials to publicly advocate for the implementation of these guarantees.

In cooperation with media experts and media NGOs, NJAs should constantly monitor all the initiatives for changes in the media and other legislation that directly and indirectly affect their work and should raise their voice when journalist and media freedoms

¹²⁵ These Recommendations were drawn from the comparative analysis and from the working groups held during the regional conference "Freedom of Media and Safety of Journalists in the Western Balkans", held in Belgrade, Serbia on 6 and 7 December 2016.

are restricted as a consequence of poorly formulated legal provisions.

NJAs in the region should jointly condemn in public any idea or initiative for introducing licences for journalists or a legal definition of the term 'journalist', because this might seriously open the possibility for further restrictions of their freedom. In addition, NJAs should actively participate in redefining the profession in the context of the new technological environment.

State advertising was one of the most powerful mechanisms of political influence on the media. NJAs must advocate, depending on the particular circumstances in their countries, for amending the legislation in order to prevent that influence. It is also important to inform the public about the amount of state money spent in media, as well as about the criteria for allocation and the purpose for which the money was spent.

In the countries with media system models that encourage pluralism and content diversity, it is necessary to minimize the discretionary power of the authorities to alter the decisions of independent commissions or bodies that decide on money allocation. The aim is to prevent the practice of supporting 'friendly media' using public money on the one hand and penalizing those who are critical towards the authorities, on the other.

It is necessary to advocate for greater influence of the independent bodies (protection of competition, control of state aid, state audit etc.) that have competencies to control the spending of public money in the media, in order to increase transparency and reduce political influence on media. This is especially important for public money allocation during election campaigns. Independent regulatory bodies, in particular those in charge for fight against corruption, as well as civil society organisations should improve their supervision over this type of public money spending.

It is necessary to further strengthen and increase the influence of independent regulatory bodies in the broadcasting field which should strategically plan and implement the regulatory policy in order to create a favourable environment for media professionalisation and independent journalism.

It is necessary to overcome the practice of party – political influence in the appointment of the members of the independent regulatory bodies. Rather, they should be comprised as small professional (expert) structures with proven credibility as opposed to individuals who are a part of informal clientelistic networks. NJAs should advocate for this actively.

Journalists' safety

Journalists' associations do not possess sufficient power that would enable them to protect their colleagues. Therefore, continuous cooperation with the respective authorities is of paramount importance. It is necessary that NJAs are exerting pressure on the authorities to establish all necessary procedures, mechanisms and measures to deal effectively with threats and acts of violence against journalists.

NJAs should ask for support from international organisations and experts, to work jointly on assessing the official investigations of and the cases of violence against journalists (through 'peer report'), and thus to advocate for a better performance of the judicial authorities.

It is necessary to strengthen the work of the existing special committees dealing with investigation of cases of threats, violence and murders of journalists as well as to advocate for establishing such bodies in countries where they do not exist. These bodies should have a role to conduct oversight of the work of respective judicial authorities, but they should not be seen as responsible for the tasks to be undertaken by the respective authorities.

It is very important for NJAs to cooperate with local research organisations in developing a consistent and comparable database of types of threats, attacks and violence against journalists and media organisations. This database should allow for both trans-historical comparison within country cases and should be comparable between the country cases. The data collection should be coordinated and harmonised at regional level. Also, NJAs should systematise the collected data for the whole region, make them easily accessible and initiate joint calls for action against the perpetrators that violate the freedom of individual journalists, media workers or media outlets.

Strengthening trade unions for improving the economic position of journalists

The weak trade unions of journalists and the lack of motivation of journalists to become their members is a significant problem in the whole region. Trade unions of journalists must be supported and strengthened because they can directly work on overcoming the obstacles for strengthening the current economic position of journalists and thus may reduce the pressures on their work.

It is necessary to support the establishment of trade unions of journalists and media workers in all countries. In addition, in countries where several but weak unions exist, it is advisable to work on connecting and merging them as the only way of their strengthening.

The existence of representative unions of journalists is a precondition for social dialogue for a better economic position of journalists. NJAs should work on raising awareness and encouraging the journalists and media workers to organise themselves in trade unions as an efficient model to improve their working rights and to protect themselves from pressures.

In all countries, it is difficult to find reliable statistical data on the number of journalists who have got signed working contracts. Trade unions of journalists cannot be strengthened if a representative number of journalists are not their members. In cooperation with the unions of journalists, NJAs should work on establishing a database of individuals who are engaged in journalism on a continuous and professional basis.

Journalist associations should cooperate with trade unions and support their strengthening, but it is important to keep the distinction between their basic mission and objectives – journalist associations are focused on the safety and freedom of journalists and on improving the professional standards while trade unions are focused on improving the labour rights of journalists.

Strengthening the capacity of NJAs

The changes in the media landscape require strong journalists' associations that should be more assertive in defending their professional rights and freedoms. NJAs have the opportunity to bring together and motivate a growing number of journalists working for new online media to help them and to protect their rights and freedoms. Therefore, NJAs should develop the ability to use new media platforms to communicate with their members, other organisations and citizens, as well as to develop advocacy campaigns.

If they intend to resist the pressures and to develop in strong and autonomous organisations NJAs should constantly work on raising their own capacities, specific knowledge and skills. They should further develop their capacity to assess the level of media and journalists' freedoms and to regularly publish their findings and positions with the aim of raising awareness about the importance of professional and independent journalism.

NJAs should work on increasing their capacity to achieve sustainable financial support for their work, since they cannot develop in strong organisations relying only on the funding collected from the membership fees. Other mechanisms for gaining long-term and diverse funding which will ensure their sustainability and autonomy as organisations should be searched.

Cooperation at domestic, regional and international level

Journalists' organisations should enhance their cooperation with local, regional and international civil society organisations from different areas of expertise and actively participate in creating strategic or ad-hoc coalitions aimed at advocating for press freedom, improving the situation of journalists and other actions related to the processes of democratisation.

NJAs should initiate cooperation with national authorities in order to achieve their own goals, and to participate in government working bodies, regardless of their unwillingness or reluctance to cooperate on these issues. They should consistently remind the highest officials and representatives of state institutions about their responsibility to create a free and safety environment for the work of journalists. NJAs should delegate highly qualified persons to defend their positions and journalists rights in various working bodies, but need to be careful and not allow the state representatives to share with them the responsibility for their own inefficiency or poor decisions.

It is necessary to further promote regional cooperation of journalists and media organisations, in order to exchange knowledge and experience, as well as to strengthen the power and autonomy of the sphere of journalism. NJAs should align and coordinate their joint advocacy actions with other existing initiatives at regional level, with the aim of creating a wider and more powerful coalition of journalists, media and other NGOs to pressure for greater media and journalists freedoms in the region.

It is necessary to further develop solidarity among journalists and journalists' organisations for successful resisting to political pressures. Large, independent and professional media companies can have a significant role in such efforts. They should be the first address to which the NJAs should turn to in order to alarm the public about the pressures or attacks against journalists and media organisations, especially because these media companies are themselves frequently exposed to political pressures.

It is essential that NJAs strongly support the self-regulatory bodies and mechanisms, by constantly working on their promotion, development and strengthening their influence in the society. Self-regulatory mechanisms can provide new mechanisms for improving the professional standards in journalism, and thus for achieving the key objectives of the associations.

In cooperation with the national press councils, NJAs should encourage the establishment of internal self-regulatory mechanisms within the individual media outlets. These efforts can strengthen the autonomy of the editorial newsrooms from the media owners and managers. Wider initiatives for adoption of internal rules of organisational procedures and ethical codes should be started.

Overview of Indicators on the Level of Media Freedom and Journalists' Safety in the Western Balkans

A. Legal protection of Media and Journalists' Freedom

A.1 Does national legislation provide guarantees for media freedom and is it efficiently implemented in practice?

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
What are the mechanisms for financing media in the languages of national minorities?	Such mechanisms do not exist.	There are no mechanisms for financial support of language diversity in the media yet the MRT formally has the obligation to produce content in 7 different languages	There is a good funding scheme supporting the national minorities' media.	There are no such mechanisms for funding private media in languages of national minorities. Yet, RTK includes all minority languages (Serbian, Bosnian, Turkish and Roma) in its scheme. Since June 2013 Serbian minority has its own channel – RTK.	There are media subsidies supporting media in minority languages.

A.1 Does national legislation provide guarantees for media freedom and is it efficiently implemented in practice?

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Is the right to freedom of expression and information guaranteed? Does it also encompass access to the Internet? Are the legal guarantees implemented in practice?	It is guaranteed, including access to the Internet. Law on Public Peace and Order in R. Srpska contains restrictive provisions on publication of Internet content (social networks and portals).	It is guaranteed, including access to the Internet, but legal guarantees are not efficiently implemented in practice.	It is guaranteed, including access to the Internet, but the laws are not efficiently implemented in practice.	It is guaranteed, including access to the Internet. Legal guarantees are poorly implemented in practice.	It is guaranteed, including access to the Internet. Legal guarantees are not implemented in practice.
Weather media legislation was developed in a transparent and inclusive process?	In general, the process was inclusive and transparent. Media community had an opportunity to submit amendments.	The process was not sufficiently transparent or inclusive.	Political agreement on changes in media laws made without consultations with media community.	The process was neither transparent nor inclusive.	The process was not sufficiently transparent and inclusive.
Have the state authorities attempted to restrict the right to Internet access or seek to block or filter Internet content?	No separate law on the Internet, but the new Law on Public Peace and Order in R. Srpska contains provisions that sanction 'inappropriate' behaviour on the social networks.	Media Law 2013 was an attempt to regulate online media. The 2015 Law prevents the publishing of phone tapped recordings.	Such cases haven't been registered yet.	No such cases.	There were several cases ('Feketic', news portal Pescanik etc.)
Is the regulatory authority performing its mission and functions in an independent and non-discriminatory manner?	The regulator is not perceived as sufficiently independent and efficient in fulfilling its duties. Nomination of members of the Council of the regulatory body is politically motivated.	No, the regulator is under strong party-political influence. Its decisions are biased and selective.	The regulator is not perceived as sufficiently independent and efficient in fulfilling its duties.	The regulator is not perceived as independent. Nomination of members is politically motivated.	The regulator is not perceived as sufficiently independent and efficient in fulfilling its duties.
Is there a practice of state advertising in the media and is it abused for political influence over their editorial policy?	There are no transparent and clear criteria. The allocation of funds is selective, politically motivated and not transparent. New legislation is in the process of being drafted.	State advertising in the recent years has been largely abused to impose political influence over media. The Government was one of the main advertisers in the media until June 2015 when a moratorium on government campaigns was announced.	Public institutions allocate funds to the media in a selective and non-transparent manner.	Several ministries allocate money directly to online media for advertising. Some are selective.	There are no transparent and clear criteria. The allocation of funds is selective and not transparent.
Are there any types of media subsidies or production of media content of public interest and how is it implemented in practice?	There are no media subsidies. The media community has submitted two initiatives to the Ministry of Communication to establish a special fund for the production of media content of public interest, but they haven't been accepted.	There are funds allocated from the budget for national TV stations for new production in a non-transparent and biased manner.	There is a fund for supporting commercial radio broadcasters, but it's criticized as favouring pro-government broadcasters.	There are no media subsidies.	The funding scheme for programs of public interest is abused at local level for political influence.

A.1 Does national legislation provide guarantees for media freedom and is it efficiently implemented in practice?					
Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Is the autonomy and independence of the PSB guaranteed and efficiently protected? Does the funding framework provide for its independent and stable functioning? Do the supervisory bodies represent the society at large?	Autonomy and independence is guaranteed by law, but is not implemented in practice due to strong influence of the political parties. The funding framework does not provide for stable functioning. The supervisory bodies do not represent the society at large.	Autonomy and independence is guaranteed, but not implemented. The funding framework does not provide for stable functioning. The MRT Council does not represent society at large.	Autonomy and independence is guaranteed, but insufficiently implemented. The funding framework is functional but does not provide for stable and independent functioning. The supervisory body does represent society at large.	Autonomy and independence is guaranteed, but not implemented. The funding framework does not provide for stable and independent functioning. The supervisory body does represent society, but it is politicized.	Autonomy and independence is guaranteed. The funding framework does not provide for stable functioning. The supervisory body does not represent society and is not controlled by it.

A.2 Does Defamation Law cause a 'chilling' effect among journalists?					
Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Are the defamation laws' provisions overly severe or protective for the benefit of state officials?	Defamation is decriminalized. Current legislation is in line with European laws, but its application in practice is mainly protective benefiting state officials.	Defamation was decriminalized in 2012. The Law on Civil Liability is in place and the court practice is generally good with few negative exceptions.	Defamation is decriminalized. Current provisions are not overly protective of state officials.	Defamation is decriminalized. Current provisions are not overly protective of state officials.	Defamation is decriminalized. Current provisions determine inappropriately large fines.
How many lawsuits have been initiated against journalists by the state officials in the past three years?	Large numbers of lawsuits have been filed against journalists (since 2003 around 100 per year). In September 2016 there were 173 active cases in the courts.	At least 10 cases of sued journalists by public officials/ institutions (fewer cases than in previous years). At the moment there are 35-40 cases against journalists. In 2012 this practice was 10 times higher.	There are no official statistics.	There are 20 ongoing lawsuits against journalists. Out of these, six are initiated by state officials. Additional 9 cases were dismissed in 2012 since defamation and libel have been decriminalized.	Large numbers of lawsuits have been filed against journalists (413 in 2014; 406 in 2015).
Are there examples when other legal provisions were used to "silence" journalists for legitimate criticism or for investigative journalism?	The case of the magazine Slobodna Bosna, which ceased publishing its print edition in December 2015, under the pressure of a large number of defamation lawsuits.	The case of the journalist Kezarovski, who was sued for revealing the name of a "protected" witness. Also, journalist Bozinovski has been indicted for espionage and extortion and has been in detention for the past 6 months.	Such cases have not been registered yet.	No such cases.	Such cases have not been registered so far.

A.2 Does Defamation Law cause a 'chilling' effect among journalists?

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Is justice administered in a way that is politically motivated against some journalists? What kinds of penalties have been imposed?	The courts are under strong political influence. Similar cases are differently interpreted by courts in different entities. Lawsuits against Federal Television (FTV) are solved in favour of the president of R. Srpska. The fines are not high (app. 2.500 euro), but some media have between 20-50 lawsuits.	The courts are under strong political influence. In the case of the critical weekly Fokus the court imposed large fines on the editor and the journalist. The plaintiff was the Director of Administration for Security and Counter Intelligence.	Lower courts administer the cases quite fairly, while the higher courts are more rigid. Imposed fines are not high.	No such cases.	The courts are under strong political influence. In the case of TV Forum Prijepolje journalists who were threatened by the City Mayor, the appellate court overturned the original verdict and acquitted the mayor in 3 day process.
Do the courts recognize the self-regulatory mechanism (if any)? Do they accept the validity of a published reply, correction or apology?	The courts in BiH respect the mediation process between the offended and the media outlet, which is carried out by the Press Council. An initiative to amend the Defamation Law in order to include the mediation process as compulsory before filing a lawsuit started.	The court may take into consideration the decisions of the Council of Media Ethics, however this is not obligatory.	The courts are not obligated to take into consideration the decisions made by the self-regulatory bodies.	The courts do not take into consideration the decisions of the self-regulatory body.	The courts mostly do not take into consideration the decisions of the self-regulatory body.
What do the journalists think about the defamation law? Are they discouraged to investigate and to write critically?	79.7% of journalists answered that the threat of defamation is very or extremely influential on their work.	32% of journalists answered that the threat of defamation is very or extremely influential on their work.	44% of journalists answered that the threat of defamation is very or extremely influential on their work.	44% of journalists answered that the threat of defamation is very or extremely influential on their work.	26% of journalists answered that the threat of defamation is very or extremely influential on their work.

A.3 Is there sufficient legal protection of political pluralism in the media before and during election campaigns?

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Is political pluralism in the media regulated by media legislation (for the non-election period)?	There is only a general principle for broadcasters, reflect diverse political views and sources of information.	There is only a general principle for broadcasters to reflect diverse political views.	There is only a general principle for broadcasters to reflect diverse political views.	There is only a general principle for broadcasters to reflect diverse political views.	Political pluralism is determined as a general principle for all broadcasters.
Is the regulatory authority obliged to monitor and protect political pluralism?	The regulator is obliged to monitor and protect political pluralism only during the election period.	The regulator is obliged only for the period of the election campaign.	That obligation is not within the jurisdiction of the regulator.	The regulator is obliged only for the period of the election campaign.	The regulator is obliged to supervise the broadcasters and undertake measures for the period of the election campaign.
What are the legal obligations of the media during election campaigns?	The Law on Election in BiH(Chapter 16) and by-laws of PBS. Fair and equal access to all political parties, objective, fair and balanced reporting.	Election Code and by-laws. Fair and equal access to all political parties, objective, fair and balanced reporting.	Election Code and Law on the PSB. Fair and equal access to all political parties, objective, fair and balanced reporting.	Election Law and Independent Media Commission Code of Conduct. Fair and equal access to all political parties, objective, fair and balanced reporting.	Law on electronic media and Rulebook on media coverage. Fair and equal access to political parties, objective, fair and balanced reporting.

A.3 Is there sufficient legal protection of political pluralism in the media before and during election campaigns?					
Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Do political parties and candidates have fair and equal access to the media during the non-election period and during the election campaigns?	Political parties don't have fair and equal access to media in non-election or in election period.	Political parties don't have fair and equal access to media in non-election or in election period.	Political parties don't have fair and equal access to media in non-election or in election period.	Political parties generally receive fair and equal access to media during election campaigns.	Political parties don't have fair and equal access to media in non-election or in election period.

A.4 Is journalistic freedom and association guaranteed and implemented?					
Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Do journalists have to be licensed by the state to work?	Journalists do not need a license by any state authorities. There was only one attempt to introduce licenses for journalists in 2005, but it was condemned and not accepted.	Journalists do not need a license by any state authorities, but the Law on Media contains a restrictive definition of a 'journalist'. There are proposals coming from 'pro-governmental' journalists to introduce 'licences' for journalists.	Journalists do not need a license by any state authorities. There are some proposals to introduce 'licences' for journalists, with 'justification' to increase professionalism.	Journalists do not need a license by any state authorities.	Journalists do not need a license by any state authorities. There was only one attempt to introduce licenses for journalists, but it was condemned and not accepted.
Have journalists been refused the right to report from certain places or events?	Several cases are registered: Decision by RS authorities to prevent access to events for BHT (2010) and FTV (2012) journalists; Access refused to the Palace of the RS President for Liljana Kovacevic, Beta news agency since 2012; and to BH TV during 2015. 26% journalists reported that they were refused the right to report from some events because they did not have accreditation.	A major violation happened on 24.12.2012, when the security services expelled the journalists to prevent them from reporting on the ousting of the opposition from the Parliament. Also, journalists were not permitted to report from some court hearings.	43% of the surveyed journalists reported that they were refused to report from some events.	Recent violation was the case of Saranda Ramaj (Koha Ditore). 61% of the surveyed journalists reported that they were refused to report from some events.	42% of the surveyed journalists reported that they were refused to report from some events.

A.4 Is journalistic freedom and association guaranteed and implemented?

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Are journalists organised in professional associations and if yes how? Are there pressures on their association or individual members?	5 registered associations. Association of BH Journalists works actively. Several cases of political pressure on BHJA and verbal attacks have been reported to their members; BHJA website hacked several times; The Press Council is repeatedly under political and other pressures; in 2014 its office was broken into and damaged; its website was under constant hacker attacks and was completely destroyed on May 3, 2014 (World Press Freedom Day)	AJM is the oldest (since 1946) and largest association, member of IFJ. There is another association (MAN) active since 2013, which is close to the Government. AJM members have been subject to numerous pressures so far. Apart of this, in 2010 with the assistance of AJM journalist union SSNM was established and deals with topics related to social and labour rights of journalists. In 2013 AJM assisted in establishing the Council of Media Ethics which is an active stakeholder in safeguarding professional standards.	There are two journalists' associations, but 80% of the journalists are not members of any association. Media Council for Self-regulation gathers a large number of media, but not the biggest media that are perceived as government opponents. These media have their own ombudsmen. There were no cases of pressures on the journalists' associations.	The main association is the Association of Journalists of Kosovo (AGK). No evidence of pressures. There is also a Press Council, as a self-regulatory body that regulates print and online media.	There are two main associations – Independent Journalists' Association of Serbia (NUNS), Journalists' Association of Serbia (UNS). There is a regional JA, Independent Journalists' Association of Vojvodina and an association mainly consisting of journalists employed in the state owned media. There is also a Press Council, as a self-regulatory body. There are many pressures on journalists' associations.
Are journalists organised in trade unions and if yes, how? Are there pressures on the trade union leaders and other members?	There are trade unions at entity level, in Brcko District and in the PSBs. There are at least seven trade unions which are officially registered in BiH: Independent Union of PSB, Trade union of RTV Gorazde and Trade Union of RTV Una. Some of them report political pressures and pressures from media management.	There is an Independent Association of Journalists and Media Workers. Its leader had been dismissed from the Association for being active in the community and eventually fired from work.	There are several trade unions. The leader of Trade Union of Media of Montenegro had been dismissed from work and later returned by court decision	There is no journalists' trade union of Kosovo.	There are two trade unions: Journalists' Trade Unions of Serbia and Trade Union Independence. They are weak and under pressure mostly from media owners. A third Union exists as part of the Union of Autonomous Trade Unions of Serbia.
Are the journalists free to become members of trade unions? How many journalists are members of the trade unions?	BHJA reports on restrictions for journalists and media professionals to organize in trade unions. It is estimated that only 16% of the media have established TU branches. There is no estimated figure about membership.	There is a union at the PSB. Almost no trade unions in the private media. There are no reliable figures about membership, because some members are 'hiding' due to fear of pressures.	Around two thirds of the journalists are not members of any trade union. Most of the members are from the PSB, while fewer from the private media.	The only union is within the PSB, which organized protests against the PSB management. Their leaders were under pressure.	Most of the journalists feel free to become members, but they are not interested because unions are weak. 78% of the surveyed confirmed they are not members.

A.5 What is the level of legal protection for journalists' sources?

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
How is the confidentiality of journalists' sources guaranteed by the legislation?	It is guaranteed in the Constitution and in several legal acts, although some issues are not clearly defined.	It is guaranteed in the Constitution and in several legal acts.	It is guaranteed in the Constitution and in the media legislation. Some provisions are not clear enough.	It is guaranteed by the Law on protection of journalists' sources.	It is guaranteed in the Constitution and in several legal acts.
Is confidentiality of journalists' sources respected? Were there examples of ordering the journalists to disclose their sources and was that justified to protect the public interest?	It is generally respected, but there were some cases registered: (1) the news portal Klix from Sarajevo – its equipment was confiscated by the police in December 2014; (2) the case of Zeljko Rajlic, journalist from Banja Luka, who the police threatened to confiscate all equipment.	Generally, it is respected, but the case of Kezarovski showed that journalists can be imprisoned on the basis of other legal provisions.	Several cases of open pressures on journalists to disclose their sources have been registered.	Several cases show that the confidentiality of sources is not respected (e.g. Indeks-online and Blic).	Generally, it is respected. There are only sporadic cases (e.g. the case -Teleprompter).
Were there any sanctions against journalists who refused to disclose the identity of a source?	There were no such cases.	Kezarovski was convicted to a 4.5 year jail sentence. His sentence was reduced to 2.5 years.	There were no such cases.	There were no such cases.	Such cases haven't been registered so far.
Do journalists feel free to seek access to and maintain contacts with sources of information?	49 % of the surveyed journalists stated that they regularly or very often have contacts with their sources.	36% of the surveyed journalists stated that they regularly or very often have contacts with their sources.	67% of the surveyed journalists stated that they regularly or very often have contacts with their sources.	50% of the surveyed journalists stated that they regularly or very often have contacts with their sources.	64% of the surveyed journalists stated that they regularly or very often have contacts with their sources.

A.6 What is the level of legal protection of the right to access of information?

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
What are the legal rules on access to official documents and information which are relevant for journalists?	Access is guaranteed. There are no specific provisions relevant for journalists. The BiH courts and other judicial institutions have special procedures for acquiring information from and reporting on certain institution.	Access is guaranteed. No specific provisions relevant for journalists. The implementation is poor.	Access is guaranteed. There are no specific provisions relevant for journalists.	Access is guaranteed. There are no specific provisions relevant for journalists. The implementation is poor.	Access is guaranteed. There is a Commissioner for Information of Public Importance and Personal Data Protection as an independent state body.
Do the journalists use these rules? Do the authorities follow the rules without delays? How many refusals have been reported by journalists?	Journalists in BiH do use legal provisions, but they complain that procedures are very long and deadlines not suitable for them. 27% of the surveyed journalists who submitted requests were refused.	Journalists are not well informed about the rules and rarely use them. Those who requested access were often refused.	Journalists rarely use these provisions. 37% of the surveyed journalists who submitted requests were refused.	78% of the surveyed journalists stated that the institutions refused to provide them with the requested documents.	Journalists in Serbia do use the right to access information. 42% of the journalists stated that they submitted requests but were refused by institutions.

A.6 What is the level of legal protection of the right to access of information?

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Are the courts transparent? Is media access to legal proceedings provided on a non-discriminatory basis and without unnecessary restrictions?	74.4% of the journalists stated that the courts demonstrate some (19.3%), a great deal (26.1%) or complete (29%) transparency.	48% of the journalists stated that the courts show little (24%) or no transparency at all (24%), while 25% think they demonstrate some level of transparency.	44.5% of the journalists stated that the courts show some level (29.6%), a great deal (9.3%) or complete (5.6%) transparency.	48.1% of the journalists stated that the courts show some level of transparency. 37% think the courts are a little transparent and 7.4% think they are not transparent at all.	59.4% of the journalists stated that the courts are a little (37.8%) or not transparent at all (21.6%), while 24.3% think they show some level of transparency.
Is public access to parliamentary sessions provided? Are there restrictions for journalists to follow parliamentary work?	77.8% of the journalists stated that the Parliament demonstrates some (10%), a great deal (73%), or complete (29%) transparency.	31% of the journalists stated that the Parliament shows little (25%) or no transparency at all (6%), while 31% think it shows some level of transparency.	72.2% of the journalists stated that the Parliament shows some (25.9%), a great deal (31.5%) or complete (14.8%) transparency.	44.4% of the journalists stated that the Parliament shows some level of transparency. 22.2% think the Parliament is a great deal transparent and 7.4% think it shows complete transparency.	64.8% of the journalists stated that the Parliament demonstrates some (7.2%), a great deal (14.4%), or complete (43.2%) transparency.
How open are the Government and the respective ministries?	61% of the journalists stated that the Government shows little (29%) or no transparency at all (32%).	46% of the journalists stated that the Government shows little (25%) or no transparency at all (21%), while 21% think it shows some level of transparency.	50% of the journalists stated that the Government shows some level of transparency, while only 16.7% think it shows little or no transparency at all.	48% of the journalists stated that the Government shows little (37%) or no transparency at all (11%), while 40% stated that it shows some level of transparency.	59.4% of the journalists stated that the Government shows little (37.7%) or no transparency at all (21.7%). 24.3% think it shows some level of transparency.

B. Journalists' position in the newsroom, professional ethics and levels of censorship

B.2 What is the level of editorial independence from media owners and managing bodies?

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Do private media outlets' newsrooms have adopted internal codes of ethics or they comply with a general code of ethics?	Most of the private media do not have internal code but adhere to the general code of ethics.	Private media do not have internal code of ethics. They adhere to the general code of ethics.	Private media haven't adopted internal code of ethics. They adhere to the general code of ethics.	Most of the private media adhere to the Code of ethics of the Press Council.	Most of the private media do not have internal code but adhere to the Journalist's Code of Ethics of the JAs.
What are the most common forms of pressure that media owners and managers exert over the newsrooms or individual journalists?	The owners or program directors are key filters in deciding whether to publish or not certain information. Direct forms of pressure: very low salaries, threats of losing one's job, mobbing, frequent overtime work, 'ordered articles' etc.	Direct forms of pressure: threats of losing one's job, physical threats, even threats of dismissal of relatives in public administration.	Owners do not accept critical reporting toward powerful businessman. There is self-censorship among journalists.	The lack of working contracts leads to self-censorship. Late salaries are also another form of indirect pressure on journalists.	The journalists are kept in constant fear of being fired. Mobbing is very frequent. The owners ask from the journalists to work on some topics and to avoid others.

B.1 Is the journalists' economic position abused to restrict their freedom?

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
How many journalists have signed work contracts? Do they have adequate social protection? How high are the journalists' salaries? Are they paid regularly?	There are estimations that between 35%-40% journalists have neither work contracts nor social and health insurance. Those with valid contracts are not sufficiently protected. The situation is worse in the private media. Salaries in the local media range from 200 to 500 euro, in the PSBs the average salary is 700 euro, while in some private media (including international media) it's about 900 euro.	No precise data is available on the number of employed journalists with signed working contracts. Some studies show that about half of the journalists have work contracts with social and employment benefits. 58% of the surveyed journalists earn up to 360 euro.	Around 800 journalists are employed, half of them in the PSB. There are no exact figures about the number of them with signed work contracts. The average journalist salary is 470 euro. Around half of the journalists are paid regularly.	No precise data, but it is known that many journalists have no work contracts. Half of the journalists in the survey stated that their salaries range from 200 to 500 euro. Delays in salary payment are up to several months. Salaries are not paid in full amount.	No precise data on the number of employed journalists with signed work contracts. Very often labour rights of the journalists are not respected. The average journalist salary is 400 euro. Salaries are not paid regularly.
What are the journalists' work conditions? What are the biggest problems they face in the workplace? Do they perceive their position better or worse compared with the previous period?	Precarious work. The employers can terminate the contracts any time and the journalists do not have any legal protection. Most journalists stated that their economic and social position is worse than 2-3 years earlier. In the survey, 74% journalists stated that their economic position decreased a lot.	Precarious work. 77% of the surveyed journalists in 2014 considered their current journalistic engagement insecure. 80% consider that their economic position is worsening.	Precarious work. Many journalists in private media work overtime, covering many different areas. 54% of the surveyed journalists consider that their economic position is worsening.	Precarious work. Journalists work overtime or during holidays without compensation. Half of the surveyed journalists concluded that their economic position is worsening.	Precarious work. Journalists are forced to work on other tasks and to engage in marketing. 76% of the journalists said that their economic position decreased significantly comparing to the previous years.

B.2 What is the level of editorial independence from media owners and managing bodies?

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
How many media outlets have internal organisational structures that keep the newsrooms separate and independent from managers and marketing departments?	The newsrooms in the private media are not separate and independent from managers and marketing departments.	Only the largest media outlets keep the newsrooms separate, but they are influenced by economic and political interests.	Most of the private media do not have an internal structure and newsrooms are not separate from managers and marketing.	The larger media keep the newsrooms separate, but they are still influenced by managers and owners.	Most of the private media do not have an internal structure and newsrooms are not separate from managers and marketing. Many do not even have legal acts.
Do private media outlets have rules set up for editorial independence from media owners and managing bodies? Are those rules respected?	Internal editorial rules do exist in some media but they are not effective. There are no provisions which guarantee the independence of the journalists and their right to reject jobs that are not in accordance with professional standards and ethics.	Very few media have such rules. Even where these exist they are generally not respected.	Very few media have such rules. Even where these exist they are generally not respected.	Very few media have such rules.	It is not known that any of the private media outlets have adopted internal rules on editorial policy.

B.3 What is the level of journalists' editorial independence in the PBS?

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Does the PSB have an adopted code of journalists' conduct and editorial independence? Do the journalists comply with this code?	All PSBs have adopted Editorial Principles, but they are mostly not respected in practice. The journalists in the PSBs work under pressures and their work is influenced on a daily basis.	General Code of conduct is not adopted, although this is PSB's obligation according to its Statute. Code of ethics for election periods has been adopted in 2016 with the support of British experts and local stakeholders.	PSB has its ethical code for all employees. Journalists are not mentioned. There is no code of journalists' conduct. PSB editorial independence is a concern.	PSB has its code of conduct. The code is poorly implemented in practice.	RTS and RTV do not have their own specific codes of ethical principles of reporting, but only a general code of conduct for all employees.
Do the PSB bodies have a setup of internal organizational rules to keep the newsrooms independent from the PBS managing bodies? Are those rules respected?	PSBs have adopted internal organizational rules but newsrooms are not independent from the managing and governing bodies.	PSB has internal organizational rules but newsrooms are not independent from the managing bodies.	PSB has its formal organizational rules but newsrooms are not independent from the managing bodies.	PSB has its formal organizational rules but newsrooms are not independent from the managing bodies.	Both PSBs have formal rules to keep the newsrooms separate and independent from the management, but they are not respected in practice.
What are the most common forms of pressure that the government exerts over the newsrooms or individual journalists in the PBS?	There are indirect forms of pressure through the management and Steering Committee. But there are also direct pressures even from the members of the BiH Presidency, BiH Parliament, President of RS, Prime Ministers in both entities and ministries.	Government officials exert influence through the PSB management (Programming Council of MRT).	Government officials influence through the PSB management. Recently there has been a shift by the leading editors of the Public Service, and the situation is partly improved.	Government officials influence through the PSB management.	There are indirect forms of pressure (through the management), but also direct pressures (even from the Prime Minister)
What was the most illustrative example of the pressure exerted by the government over the work of entire newsrooms or individual journalists?	In June 2016 the BiH Parliament did not make a decision on the funding framework for the three PSBs in BiH. RS President Dodik verbally attacked the FTV correspondent from Banja Luka.	Published recordings from the phone tapping scandal revealed that government officials had threatened PSB journalists' job security if they did not report along the 'desired' lines.	The case of the journalist Mirko Boskovic who hasn't been receiving work assignments since he published a series of investigative TV stories on crime and corruption involving one of the municipality presidents in 2015.	In April 2015, 60 journalists and editors wrote a public letter criticising the management and the general director for interference, censorship and mismanagement.	In 2015 Serbian Progressive Party publically attacked the PSB of Serbia for airing an interview with the editor of the daily Danas in which he criticized the Prime Minister.

B.4 What is the level of journalistic editorial independence in the non-profit sector?

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Have the non-profit media adopted a code of journalists' conduct and editorial independence? Do the journalists comply with this code?	There are three non-profit radio stations in BiH. There are also some online news media which are supported by international donors. All of them are using the existing code of practice and Press Code adopted in BiH	There are only three non-profit radio stations aimed for students. There are few online news portals which are established as non-profit media. Professional journalists are employed only in the news portals. They comply with the general code of ethics.	Non-profit media are not developed. There is one community radio. No professional journalists are employed.	Very few non-profit media exist in Kosovo. They comply with general code of ethics of Independent Media Commission (for broadcasting) and of Press Council (for print and online).	Very few non-profit media exist in Serbia. They adhere to the Journalist's Code of Ethics of the JAs.
What are the most common forms of pressure over the non-profit media outlets?	They are sometime referred to as "foreign mercenaries" because they are financed by donations. The other media refuse to publish their investigative stories.	There are forms of pressure over the journalists in the news portals that are critical towards the Government.	No such cases.	They are sometimes referred as "foreign mercenaries" because they receive funds from foreign donors.	They often publicly attacked by the pro-governmental media as "foreign mercenaries" because they receive funds from foreign donors. Some critical news portals are subject to hacking.
What was the most illustrative example of the pressure exerted over the non-profit media?	Brutal verbal attacks, hate speech, harassment and discrimination to CIN female journalists (July 2016). Denial of information, verbal treats as well as threats to journalists from the news portal Zurnal for publishing property records of certain politicians (2014 and July 2016).	No such cases.	No such cases.	The case of Balkan Investigative Reporting Network (BIRN) attacked through smear campaign by the newspaper Infopress.	The case of the Network for investigating crime and corruption (KRIK), which was attacked by the tabloid Informer.

B.5 How much freedom do journalists have in the news production process?

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
How much freedom do the journalists have in selecting news stories they work on and in deciding which aspects of a story should be emphasized?	54 % of surveyed journalists stated that they have a great deal (29%) or complete (25%) freedom in selecting stories. 59% stated they are free to decide which aspects of a story should be emphasized.	57% of surveyed journalists reported having a great deal (36%) or complete (21%) freedom in selecting stories. Even more journalists (71%) said they are free to decide which aspects of a story should be emphasized.	57% of surveyed journalists reported having great (35%) or complete (22%) freedom in selecting stories. 61,5% of journalists stated that they have a great deal (31,5%) or complete (30%) freedom in deciding which aspects of a story should be emphasized.	62% of surveyed journalists stated that they have a great deal (28%) or complete (32%) freedom in selecting stories. 52% stated they are free to decide which aspects of a story should be emphasized.	58% of the surveyed journalists stated that they have a great deal (30%) or complete (28%) freedom in selecting stories. 62% stated they are free to decide which aspects of a story should be emphasized.

B.5 How much freedom do journalists have in the news production process?					
Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
How often do the journalists participate in editorial and newsroom coordination (attending editorial meetings or assigning reporters)?	64% of surveyed journalists always or very often attend editorial meetings.	48% of surveyed journalists always or very often attend editorial meetings.	73% of surveyed journalists always or very often attend editorial meetings.	86% of surveyed journalists always or very often attend editorial meetings.	62% of surveyed journalists always or very often attend editorial meetings.
What are the journalists' self-perceptions on the extent to which they have been influenced by different sources of influence: editors, managers, owners, political actors, state?	Editors are most influential on journalists' work (77%), then owners (45%), managers (39%), and Government officials (24%).	Editors are most influential on journalists' work (53%), then Government officials (46%), managers (40%) and owners (39%).	Editors are most influential on journalists' work (83%), then managers (63%), owners (56%) and Government officials (28%).	Editors are most influential on journalists' work (50%), then managers (30%), pressure groups (16%), government (10%) and politicians (8%).	Editors are most influential on journalists' work (76%), then managers (49%), owners (42%) and Government officials (26%).
How many journalists report censorship? How many journalists report they succumbed to self-censorship due to fear of losing their job or other risks?	51% of surveyed journalists stated that censorship has influence on their work.	55% of surveyed journalists stated that censorship has influence on their work.	55% of surveyed journalists stated that censorship has influence on their work.	30% of surveyed journalists stated that censorship is somewhat influential on their work.	41% of the surveyed journalists stated that censorship has influence on their work; however self-censorship is the biggest problem.

C. Journalists' safety

C.1 Safety and Impunity Statistics(3 years back, for murders 15—20 years)

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Number and types of threats against the lives of journalists and other types of threats.	From 2013 till September 2016: 65 verbal threats and pressures; 21 physical attacks; 7 death threats; 15 mobbing/discrimination; 35 other cases.	Based on the AJM register from 02/06/2011 until present, there are 35 cases of violence towards journalists (death threats, physical violence, destruction of private property, detention etc.)	From 2013 till June 2016 there were 8 verbal threats.	From 2013 until August 2016, Kosovo Police registered 62 cases reported by Kosovo journalists.	From 2013 till June 2016 there were: 69 verbal threats and 32 pressures.
Number of actual attacks. How many journalists have been actually attacked?	From January till September 2016 at least 7 physical attacks.	In total 35 cases are registered.	From 2013 till June 2016 there were: 1 physical attack and 7 attacks to the property.	From 2013 until August 2016 there were: 12 physical attacks and 13 attacks on property.	From 2013 till June 2016 there were: 33 physical attacks and 9 attacks on property.

C.1 Safety and Impunity Statistics(3 years back, for murders 15–20 years)

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Number and types of murders. How many journalists were murdered in the past 15-20 years?	From 1992 until 1995 – 38 journalists and media professionals were murdered (38 BiH citizens and 7 foreigners). After the war in BiH, there was an assassination attempt on Zeljko Kopanja, the owner of Nezavisne novine from Banja Luka.	Officially, there are no such cases in the last years.	One murder in 2004.	Three murders: 2000, 2001 and 2005.	Three murders: 1994, 1999 and 2001.
Number and types of threats and attacks on media institutions, organisations, media and journalists' associations.	Since 2013 there were 217 attacks on media outlets, media institutions, trade unions, journalists' association and the BiH Press Council.	AJM, the Trade Union, the Council of Media Ethics and other organizations that are critical towards the Government are often subject to attacks. This was noted in EC reports.	Since 2013 there were 4 attacks on media. No data regarding attacks on other organizations.	Since 2014 there were two attacks. In 2015, KOSSEV portal in the north of Kosovo was attacked with gun shots. In 2016, RTK was attacked with a hand grenade.	Since 2014 there were 275 attacks on news portals and with other types of pressures on their journalists and editors.No data regarding attacks on other organizations.

C.2 Do state institutions and political actors take responsibility for the protection of journalists? (3 years back)

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Have the state institutions developed specific policies to support the protection of journalists, offline and online? If yes, is the implementation of such policies assured with sufficient resources and expertise?	Ministry for Human Rights adopted the Action Plan for human rights protection, one chapter is focused on protection of media freedom and journalists' rights, especially in cases of attacks and pressures. Ministry of Justice drafted amendments to Criminal Law to protect journalists who are victims of attacks.	In Macedonia there is a trend of impunity when it comes to the rights of the journalists. State institutions haven't developed any policies or measures for protection of journalists.	There is no developed policy.	There is no developed policy.	There is no developed policy. There were attempts – a draft memorandum on measures to raise security levels related to journalist safety between JAs and relevant institutions.

C.2 Do state institutions and political actors take responsibility for the protection of journalists? (3 years back)

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Are there any mechanisms (institutions, programmes and budgets) for monitoring and reporting on threats, harassment and violence towards journalists? Who monitors and keeps records of attacks and threats? Do the state institutions publish updated data regarding attacks on journalists and impunity? What measures are taken upon the incidents and by whom?	There are no such mechanisms. Free Media Help Line is the unique service for providing free legal and professional help to media and journalists. FMHL shares its data and reviews of cases with all state institution, media, media organizations and international organizations.	There are no such mechanisms. No disciplinary measures, known to AJM, have been taken against any of the perpetrators. Politicians condemn attacks the attacks of journalists extremely rarely.	There are no such mechanisms. The State Public Prosecution and Police administration monitors keep records. So far, data on the number of attacks and measures taken have been published.	There are no such mechanisms. In recent years, Kosovo Police has started to prepare a special list of threats and attacks against journalists. No state institution publishes data regarding attacks on journalists.	There are no developed mechanisms, but certain efforts have been made. In December 2015 an Instruction for gathering evidence of crimes against journalists and attacks on Internet sites was adopted and since implemented. All public prosecution offices quarterly submit evidence to the State Public Prosecution which monitors the implementation and keeps records. As a part of its regular activities IJAS records all reported incidents and conducts follow ups.
Are the attacks on the safety of journalists recognized by the government institutions as a breach of freedom of expression, human rights law and criminal law? Do public officials make clear statements recognising the safety of journalists and condemning attacks upon them?	Not so far. BiH ministries are working on changes in the Criminal Law and on the development of internal procedures for protecting journalists and freedom of expression as a basic human right.	Despite formal and declarative commitments to freedom of the media, the institutions (Ministry of Interior, courts and the prosecutors' office) failed to resolve any of the cases which are registered by AJM in the last 5 years.	Yes. They strongly condemn but only declaratively, because the conditions do not change.	Public officials condemn attacks, but only in serious cases. In general, attacks against journalists are recognized by the government institutions as a breach.	The state has recognized the need for this (Action Plan, Chapter 23, a section is dedicated to freedom of expression, freedom and pluralism of the media), but deadlines are not respected. Public officials rarely give clear statements condemning attacks on journalist.
Are there any documents adopted by the state institutions which provide guidelines to military and police and prohibit harassment, intimidation or physical attacks on journalists?	There are two guidelines for police officers on conduct with journalists, adopted 15 years ago in cooperation with the OSCE mission.	There are no such documents.	There are no such documents.	There are no such documents.	There are no such documents. The draft memorandum on measures to raise security levels related to journalists' safety is considered as an attempt in this direction.
Do the state institutions cooperate with the journalists' organisations on journalists' safety issues? Do the state institutions refrain from endorsing or promoting threats to journalists?	It the past two years, there has been good cooperation with the Parliamentary Commission for Human Rights, Ministry of human rights and the Regulatory Agency for Communication. But, there are no satisfactory public reactions by state institution in case of attacks and violence against journalists.	In general, the cooperation is insufficient. The institutions only formally submit replies to the official requests sent by AJM.	There is no such kind of cooperation.	The cooperation is not on a satisfactory level.	The cooperation is not on a satisfactory level. There is no regular cooperation between JAs and state institutions.

C.2 Do state institutions and political actors take responsibility for the protection of journalists? (3 years back)

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
In cases of electronic surveillance, do the state institutions respect freedom of expression and privacy? Which was the most recent case of electronic surveillance of journalists?	There is no reliable evidence on such cases. No appropriate control mechanisms over the bodies which are authorized to conduct electronic surveillance. Most recent cases include wiretapping of the Oslobođenje and Dani magazine journalists, upon the order of the former director of the State Security Agency (SIPA) and the case of wiretapping of journalists who were in contact with the former President of BiH Federation and published the transcripts from the conversation with FTV journalist Avdo Avdic.	No appropriate control mechanisms over the bodies which are authorized to conduct electronic surveillance. In 2015 the main opposition party published that more than 100 journalists have been subject of illegal surveillance in the last four years (10% of all journalists in the country). Documents from the phone tapped recordings were given to 15 journalists. On behalf of these journalists, the AJM submitted criminal law suits.	There is no reliable evidence on such cases. No appropriate control mechanisms over the bodies which are authorized to conduct electronic surveillance. Most recent case: February 2013 when a group of journalist claimed that they were tracked and their phone conversations eavesdropped.	There is no reliable evidence on such cases. There are no known cases of any electronic surveillance of journalists.	There is no reliable evidence on such cases. No appropriate control mechanisms over the bodies which are authorized to conduct electronic surveillance. Most recent case: Network for investigating crime and corruption (KRIK) and its editor Stevan Dojcinovic.

C.3 Does the criminal and civil justice system deal effectively with threats and acts of violence against journalists? (3 years back)

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Are there specific institutions/units dedicated to investigations, prosecutions, protection and compensation in regard to ensuring the safety of journalists and the issue of impunity?	There are no such state institutions/units. There is only the Free Media Help Line which is established by the BH Journalists' Association.	There are no such institutions/units.	There are no such institutions. An exemption is the Commission for monitoring the activities of the competent authorities in investigation of old and recent cases of threats and violence against journalists, murders of journalists and attacks on media property.	There are no such institutions.	There are no such institutions. An exemption is the Commission on reviewing the facts related to investigation of the murders of journalists.
Are there special procedures put in place that can deal appropriately with attacks on women, including women journalists?	There are no such procedures. From 2013 until September 2016 FMHL registered 2 cases of death threats, 3 physical attacks and 23 verbal attacks/political pressures on female journalists.	There are no such procedures.	No such procedures.	No such procedures.	No such procedures. There are several cases of attacks on female journalists (4 physical and 22 verbal attacks).

C.3 Does the criminal and civil justice system deal effectively with threats and acts of violence against journalists? (3 years back)

Indicators	Bosnia and Herzegovina	Macedonia	Montenegro	Kosovo	Serbia
Do the state agencies provide adequate resources to cover investigations into threats and acts of violence against journalists?	Adequate resources are not provided by the state institutions. Efficient actions and investigation were undertaken by the Police and Prosecutors Office in Sarajevo in the cases of Lejla Colak (death threats) and Borka Rudic (verbal threats and hate speech) in July and August 2016.	The institutions do not provide for any effective legal or statutory protection of journalists in the course of their professional work. No resources are allocated to investigate threats or acts of violence.	Adequate resources are not provided by the state. Investigations are very slow and with weak results.	Adequate resources are not provided by the state. Threats against journalists and other citizens are treated the same. Investigations are very slow.	Adequate resources are not provided by the state. Investigations are very slow and with no results.
Are measures of protection provided to journalists when required in response to credible threats to their physical safety?	Such examples were not registered.	Such measures are not provided. There were cases where the offenders were documented on video. In one case the Deputy Prime Minister physically attacked a journalist in a public space which and was recorded and subsequently published, but the institutions did not undertake any measures.	In the most severe cases, two attacks on journalists Tufik Softic, the state has provided 24 hour physical protection, but the problem is that the perpetrators have not been found, so that the cause which compromised Softic's security has not been removed.	Police protection was provided for two journalists (2014 and 2016) but both journalists considered they don't need close protection, mainly for personal reasons.	Some measures are provided, but they depend on the specific case. IJAS has information about four journalists living under 24/7 police protection. The biggest problem with the cases of journalists who are protected by the police is that the state does not undertake measures to remove the actual threats.
Are the investigations of crimes against journalists, including intimidation and threats, investigated promptly, independently and efficiently?	The investigations are not efficient and do not provide sufficient evidence. The court procedures are very slow. According to the Association of BH Journalists only 15% of the criminal cases were investigated and resolved.	Based on the experience of AJM, the investigation of crimes against journalists is either not even initiated and if it is this process is slow and without official closure.	No. Masterminds aren't known in any of the bigger cases, and a large number of perpetrators haven't been found. The investigations are not efficient and do not provide sufficient evidence.	No. Three post-war murders of journalists haven't been resolved yet. In general, the investigations are slow and inefficient.	No. The three cases of murders haven't been resolved yet. The investigations are inefficient and do not provide sufficient evidence. The court procedures are very slow.
Are effective prosecutions for violence and intimidation carried out against the full chain of actors in attacks, including the instigators/masterminds and perpetrators?	The biggest problem is that the real actors (politicians, public officials or other powerful individuals) are not prosecuted in any of the cases. Also, real actors or instigators in the case of Zeljko Kopanja have never been discovered.	No.	No. The biggest problem is that the real actors or instigators are never discovered. In the murder case of Dusko Jovanovic, only one accomplice was convicted.	No. The real instigators or masterminds are never discovered.	The biggest problem is that the real actors or instigators are never discovered. The case of the journalist Curuvija proves that.
Does the State ensure that appropriate training and capacity is provided to police, prosecutors, lawyers and judges in respect to protection of freedom of expression and journalists?	Some forms of training were organized by professional association of judges and prosecutors and by media organizations.	There is no information on such trainings. However, there are several cases registered where the offenders are members of the police and these incidents took place during public demonstrations.	Some forms of training were organized in the past years.	No training is ensured by the state.	Some forms of training were organized in the past years. Although planned, specialized forms of training haven't been started yet.

Methodological Guidelines for assessing the level of media freedom and journalists' safety in the Western Balkans

The set of indicators presented in the common methodological guidelines were designed to meet the specific needs and objectives of the journalists' associations to advocate for greater media freedoms in their countries and for better conditions and freedom of journalists' work. While reviewing the literature, primarily those indicators were selected which may reflect the specific perspective of the NJAs in advocating for better protection of journalists' work and freedom in their countries.

There are three categories of indicators: (1) the implementation of the legal guarantees for freedom of expression in general and for media and journalists' freedom; (2) on a range of factors that prevent the journalists to freely exercise their daily work in the newsrooms; and (3) on the conditions under which the journalists can be safe and protected from intimidation, harassment or violence.

Each category consists of a number of indicators. For each indicator a list of indicative research questions is presented to be answered by national researchers. In addition to these questions, national researchers were provided with a provisional list of legal documents, sources, methods and practical guidelines on how to collect and analyse the data.

D. Legal protection of Media and Journalists' Freedom

A.1 Does national legislation provide for guarantees for media freedom and is it efficiently implemented in practice? (3 years back)

Indicative questions	Method and sources
In addition to the Constitution, whether the right to freedom of expression and information is guaranteed in the media legislation? Does it also encompass access to the Internet (as it is also protected under Article 10 ECHR)? What are general assessments on the implementation of the legal guarantees for freedom of expression and media freedoms in practice?	Qualitative analysis of legal documents. Review of studies, analyses, research reports, policy papers and other documents In-depth-interviews with experts, journalists, policy makers etc.
Was the process of developing media and other legislation relevant for media and journalists' freedom in the country transparent and inclusive? Whether the laws and by-laws were developed in consultation with professional associations? Are there attempts of the state authorities to impose licensing or other requirements for the print and Internet-based media? Do these requirements go beyond a mere business and tax registration?	In-depth-interviews with experts, journalists, policy makers etc. Press releases, announcements and other information produced by professional organisations
Are there attempts of the state authorities to restrict the right to Internet access or to seek blocking or filtering internet content? If yes, what was the legal ground for that?	In-depth-interviews with experts, journalists, policy makers etc. Review of studies, analyses, research reports, policy papers and other documents
Are the licensing and other regulations of broadcasting administered in a fair and neutral way? Is the regulatory authority performing its mission and functions in an independent and non-discriminatory manner?	In-depth-interviews with experts, journalists, policy makers etc. Review of studies, analyses, research reports, policy papers and other documents

A.1 Does national legislation provide for guarantees for media freedom and is it efficiently implemented in practice? (3 years back)

Indicative questions

If there is state advertising or other type of state funding envisaged in the legislation, is it abused by the state for political influence over the media? Is the allocation of these funds transparent, fair and non-discriminatory? Do the bodies responsible for the allocation of these funds regularly publish the data on the amounts allocated to different media?

Is there is any type of media subsidies or production of media content of public interest envisaged in the legislation? How it is implemented in practice? Are the state authorities working in accordance with these regulations? How much of the budget the state allocates for project financing? Is there a positive discrimination practice regarding local media and media of national minorities? What are the mechanisms of financing media on languages of national minorities? Is there an incentive for print media by the state?

Is the institutional autonomy and editorial independence of the public broadcasting guaranteed and efficiently protected? Does the funding framework provide for its independent and stable functioning over the years? Does the supervisory body represents the society in large (minorities, NGOs, academia and similar) or it is politicized?

Method and sources

Qualitative analysis of legal documents.
Review of studies, analyses, research reports, policy papers and other documents.
Retrieval of the web sites of public institutions and other bodies.
In-depth-interviews with experts, journalists, policy makers etc.

Qualitative analysis of legal documents.
Review of studies, analyses, research reports, policy papers and other documents.
In-depth-interviews with experts, journalists, policy makers etc.

A.2 Do Defamation Law cause a 'chilling' effect among journalists? (3 years back)

Indicative questions

Is libel and defamation decriminalized? Which law regulates libel and slander? What are the main shortcomings of this law, according to legal experts and lawyers? Are the provisions overly severe or protective for the benefit of state officials?

How many lawsuits have been initiated against journalists by the state officials, politicians and representatives of the state in the past three years? How many are completed and what were the sanctions imposed?

Are there examples when other legal provisions are used to "silence" journalists for legitimate criticism of public authorities or for investigative journalism?

Is there information available on the fairness of trials? Is the justice administered in a way that is politically motivated against some journalists? What kinds of penalties have been imposed? Are there expert analyses published on the number of rulings related to media that are consistent with ECtHR case law?

Do the courts recognize the established self-regulatory mechanism (if there are any existing in the country)? Do they accept the validity of a published or disseminated reply, correction or apology?

What do the journalists think about the defamation law and its implementation? Do they feel discouraged to investigate and to write critically about the public officials?

Method and sources

Qualitative analysis of legal documents.
Review of studies, analyses, research reports, policy papers and other documents.
In-depth-interviews with experts, journalists, policy makers etc.

Review of studies, analyses, research reports, policy papers and other documents.
Press releases, announcements and other information produced by professional organisations

Survey with the journalists

A.3 Is there sufficient legal protection of political pluralism in the media before and during election campaigns? (1–2 years back)

Indicative questions

Is political pluralism in the media guaranteed in the media legislation? Is it an obligation only for the PSB or for the private broadcasters as well? Is there a specific obligation for the regulatory authority to protect political pluralism in the media?

Do political parties and candidates have fair and equal access to the media in non-election period?

Method and sources

Qualitative analysis of media legislation.

Review of studies, analyses, research reports, policy papers and other documents.
Review of the reports and other documents issued by the regulatory body.
In-depth-interviews with experts, journalists, policy makers etc.

A.3 Is there sufficient legal protection of political pluralism in the media before and during election campaigns? (1–2 years back)

Indicative questions	Method and sources
What are the legal obligations of the media during election campaigns? Who is responsible for monitoring electronic and print media coverage of the election campaign?	Qualitative analysis of media legislation and Election Code.
Do political parties and candidates have fair and equal access to the media during election campaigns?	Review of research and monitoring reports, policy papers and other documents. Review of the reports and other documents issued by the regulatory body.

A.4 Is freedom of journalists' work and association guaranteed and implemented? (3 years back)

Indicative questions	Method and sources
Do journalists have to be licensed by the state before they can work? What is the legal ground for that? If there is no legal ground, were there attempts to introduce licenses and by whom?	Qualitative analysis of media legislation or other legal documents. In-depth-interviews with experts, journalists, policy makers etc.
Have the journalists been refused to report from certain places or events on the ground of not having an accreditation issued by the authorities or on other grounds?	Survey with the journalists
Have foreign journalists been refused entry or work visas, where such visa?	Questions to foreign journalists
Are and how are journalists organised in professional associations? Are there pressures over their association or individual members? What were the biggest pressures exerted in the past three years?	In-depth interview with the representative of the NJA. Internal secondary data Survey with the journalists (C5-a).
Are and how are journalists organised in trade unions? Are they independent as organisation or are they a part of the trade unions at national level? Are there pressures over the trade union leaders and other members coming from the government, political parties or other power centres?	In-depth interview with the representative of the unions. Secondary data
Are the journalists free to become members of trade unions? How many journalists from the commercial media outlets and from the public service are members of the trade unions?	Survey with the journalists Secondary data
Is there a Press Council established in the country? How strong and independent is the Council? Are there pressures over its members?	In-depth interview with the representative of the Press Council.

A.5 What is the level of legal protection journalists' sources? (3 years back)

Indicative questions	Method and sources
How is the confidentiality of journalists' sources guaranteed in the national legislation? Who has the right to conceal source's identity besides the journalist? Under what circumstances, the right to protect the sources may be subject to limitations?	Qualitative analysis of media legislation, Law on Criminal Proceedings. In-depth interviews with lawyers and legal experts
Is the confidentiality of journalists' sources of information respected? Were there examples of ordering the journalists to disclose their sources? If there was such a case, was the order for disclosing the source justified as necessary to protect the public interest? Which justification was presented by the court for ordering disclosure of the source? Were there any sanctions against journalists who refused to disclose the identity of a source?	In-depth interviews with lawyers and legal experts
Do the journalists feel free to seek access to and maintain contacts with sources of information while reporting on matters of public interest? To what extent do the journalists rely on sources whose professional confidentiality has to be respected?	Survey with the journalists

A.6 What is the level of legal protection of the right to access of information? (1–2 years back)

Indicative questions	Method and sources
What are the legal rules on access to official documents and information which are relevant for journalists?	Qualitative analysis of the legislation on free access to information. Review of studies, analyses, research reports, policy papers and other documents related to free access to information.
Do the journalists use these rules while investigating stories? Do the authorities follow the rules without delays? How many refusals of access to public information have been reported by journalists?	Survey with the journalists. Review of studies, analyses, research reports, policy papers and other documents related to free access to information.
Are the state authorities in general transparent? Do they employ open, non-discriminatory and fair media relations or tend to work in secrecy? Do the state organs treat preferentially politically friendly media?	Survey with the journalists. Review of studies, analyses, research reports, policy papers and other documents related to free access to information.
Are the courts transparent, especially while exercising judicial control of government action or investigating politically important cases? Is media access to legal proceedings provided on a non-discriminatory basis and without unnecessary restrictions?	Survey with the journalists. Review of studies, analyses, research reports, policy papers and other documents related to free access to information.
Is public access to parliamentary sessions provided, including access by the media? Are there any restrictions for the journalists to follow parliamentary work?	Survey with the journalists. Review of studies, analyses, research reports, policy papers and other documents related to free access to information.
How open is the Government and the respective ministries? Do public relations services provide fair and equal access to government information for all media?	Survey with the journalists. Review of studies, analyses, research reports, policy papers and other documents related to free access to information.

E. Journalists' position in the newsroom, professional ethics and level of censorship

B.1 Is economic position of journalists abused to restrict their freedom? (current situation)

Indicative questions

How many journalists have signed work contracts? Do they have adequate social protection? How high are the salaries of the journalists? Are they paid regularly?

Method and sources

Secondary data
Review of studies, analyses, research reports, policy papers and other documents related to free access to information.

What are the working conditions of the journalists? What are the biggest problems they face in the workplace? Do they perceive their position better or worse compared with the previous period?

Survey with the journalists (C19/B, M; O5)
Review of studies, analyses, research reports, policy papers and other documents related to free access to information.
In-depth-interviews with journalists.

B.2 What is the level of editorial independence from media owners and managing bodies? (3 years back)

Indicative questions

How many media outlets have internal organisational structures that keep the newsrooms separate and independent from managers and marketing departments?
Do private media outlets have set up rules for editorial independence from media owners and managing bodies? Are those rules respected?
Do private media outlets' newsrooms have adopted internal codes of ethics or they comply to a general code of ethics?
What are the most common forms of pressure that media owners and managers exert over the newsrooms or individual journalists?

Method and sources

In-depth interview with journalist(s).

B.2 What is the level of editorial independence from media owners and managing bodies? (3 years back)

Indicative questions	Method and sources
What was the most illustrative example of the pressure exerted by media owners or managers on an entire newsroom or individual journalist?	In-depth interview with journalist(s).

B.3 What is the level of editorial independence of the journalists in the PBS? (3 years back)

Indicative questions	Method and sources
Does the PSB have an adopted code of journalists' conduct and editorial independence? Do the journalists comply with this code? Do the PSB bodies have a setup of internal organizational rules to keep the newsrooms independent from the PBS managing bodies? Are those rules respected? What are the most common forms of pressure that the government exerts over the newsrooms or individual journalists in the PBS?	In-depth interview with journalist(s).
What was the most illustrative example of the pressure exerted by the government over the work of the entire newsroom or individual journalist?	In-depth interview with journalist(s).

B.4 What is the level of editorial independence of the journalists in the non-profit sector? (3 years back)

Indicative questions	Method and sources
Have the non-profit media adopted a code of journalists' conduct and editorial independence? Do the journalists comply with this code? What are the most common forms of pressure over the non-profit media outlets? What was the most illustrative example of the pressure exerted over the non-profit media?	In-depth interview with journalist(s).

B.5 How much freedom do journalists have in the news production process? (current situation)

Indicative questions	Method and sources
How much freedom do the journalists have in selecting news stories they work on and in deciding which aspects of a story should be emphasized?	Survey with the journalists In-depth interview with journalist(s).
How often do the journalists participate in editorial and newsroom coordination (attending editorial meetings or assigning reporters)?	Survey with the journalists In-depth interview with journalist(s).
How do the journalists perceive their professional roles (detached observers, monitoring and scrutinizing political leaders, setting the political agenda etc.)?	Survey with the journalists In-depth interview with journalist(s).
What are journalists' attitudes with regard to the journalists ethics?	Survey with the journalists In-depth interview with journalist(s).
What are the journalists' self-perceptions on the extent to which they have been influenced by different risks and sources of influence (personal values and beliefs, peers on from the staff, editors, managers/ owners, advertising considerations, political actors, NGOs, State etc.)?	Survey with the journalists In-depth interview with journalist(s).
How many journalists report censorship by the editors? How many journalists report they succumbed to self-censorship due to fear or losing their job or other risks?	Survey with the journalists In-depth interview with journalist(s).

F. Journalists' safety¹

C.1 Safety and Impunity Statistics (3 years back and for the killings 15—20 years back)

Indicative questions

Number and types of threats against the lives of journalists. How many threats against journalists have been reported and registered in the past three years? What types of threats have been reported? Such threats may include physical harm, including death, it may be direct or via third-parties, electronic or face-to-face communications, and may be implicit as well as explicit, and it may encompass references to killing a journalist's friends, family or sources.

Number and types of other threats to journalists. How many other threats have been made? This may include surveillance or trailing, harassing phone calls, arbitrary judicial or administrative harassment, aggressive declarations by public officials or others, or other forms of pressure that can jeopardise the safety of journalists in pursuing their work.

Number of actual attacks. How many journalists have been actually attacked? Types of actual attacks may include actual physical or mental harm, kidnapping, invasion of home/office, seized equipment, arbitrary detention, failed assassination attempts, etc.

Number and types of killings. How many journalists were killed in the past 15—20 years? Types of killings may include being killed in cross-fire, assassinated, killed in a bomb explosion, beaten to death, etc.

Number and types of threats and attacks on media institutions, organisations, media and journalists' associations. The description of threats and attacks might include some of the categories listed above.

Method and sources

Internal records of the NJAs and unions
In-depth interviews with journalists
Survey with journalists
Press coverage on threats, attacks or killings
In-depth interviews with lawyers. Official statistics (courts, police)

In-depth interviews with journalists and representatives of media institutions (snowball sampling)

¹ Most of the indicators in the group C are determined on the basis of the UNESCO Indicators on Journalists' Safety, adopted in 2013.

C.2 Do state institutions and political actors take responsibility for protection of journalists? (3 years back)

Indicative questions	Method and sources
<p>Have the state institutions developed specific policies to support the protection of journalists, offline and online? If yes, is the implementation of such policies assured with sufficient resources and expertise?</p> <p>Are there any mechanisms (institutions, programmes and budgets) for monitoring and reporting on threats, harassment and violence towards journalists – including arbitrary arrest, torture, threats to life and killing? Who monitors and keeps records of attacks and threats? Does the state institutions publish updated data about attacks on journalists and impunity? What measures are taken upon the incidents and by whom?</p> <p>Are the attacks on the safety of journalists recognized by the government institutions as a breach of freedom of expression, human rights law and criminal law? Do government officials, civil servants and representatives from the judiciary make clear statements recognising the safety of journalists and condemning attacks upon them?</p> <p>Are there any documents adopted by the state institutions which provide guidelines to military and police and prohibit harassment, intimidation or physical attacks on journalists?</p>	<p>In-depth interviews with the representatives from relevant state institutions</p> <p>Documents and information published or provided by relevant state institutions upon a request.</p> <p>Information published on the Web sites of the respective institutions</p> <p>Press coverage on threats, attacks or killings</p> <p>Public statements of the government officials, civil servants and representatives from the judiciary</p>
<p>Do the state institutions cooperate with the journalists' organisations on journalists' safety issues? Do the state institutions refrain from endorsing or promoting threats to journalists including through judiciary, police, fiscal, administrative, military and intelligence systems?</p>	<p>In-depth interviews with the representatives of the NJAs</p>
<p>In cases of electronic surveillance, do the state institutions respect freedom of expression and privacy? Which was the most recent case of electronic surveillance on journalists?</p>	<p>In-depth interviews with the representatives of the NJAs and with legal experts.</p>

C.3 Does the criminal and civil justice system deal effectively with threats and acts of violence against journalists? (3 years back)

Indicative questions	Method and sources
<p>Are there specific institutions/units dedicated to investigations, prosecutions, protection and compensation in regard to ensuring the safety of journalists and the issue of impunity?</p> <p>Are there special procedures put in place that can deal appropriately with attacks on women, including women journalists?</p> <p>Do the state agencies provide adequate resources to cover investigations into threats and acts of violence against journalists?</p> <p>Are measures of protection provided to journalists when required in response to credible threats to their physical safety?</p> <p>Are the investigations of crimes against journalists, including intimidation and threats, investigated promptly, independently and efficiently?</p> <p>Are effective prosecutions for violence and intimidation carried out against the full chain of actors in attacks, including the instigators/ masterminds and perpetrators?</p> <p>Does the State ensure that appropriate training and capacity is provided to police, prosecutors, lawyers and judges in respect to protection of freedom of expression and journalists?</p>	<p>In-depth interviews with the representatives from relevant state institutions</p> <p>Documents and information published or provided by relevant state institutions upon a request.</p> <p>Information published on the Web sites of the respective institutions (police, court etc.)</p>

Appendices

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